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Publication

RECORDS RETENTION  
REQUIREMENTS  
FOR  
BUSINESS



Government  
of Canada

Gouvernement  
du Canada

Office for the  
Reduction of  
Paperburden

Bureau pour la  
réduction de la  
paperasserie







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## RECORDS RETENTION

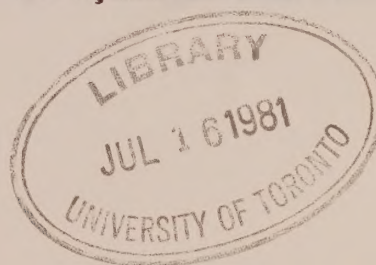
### REQUIREMENTS

#### FOR

### BUSINESS

The Federal Government's  
directory of records to be retained  
by business in Canada.

Aussi publié en français.



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## FOREWORD

This handbook is intended as a guide to the business community of those sections of the federal statutes and regulations requiring the retention of records in the private sector. It tells the user:


- what records must be kept,
- who must keep records,
- how long the records must be kept and the legal penalties involved in non-compliance, and
- the relevant statute and/or regulation, the relevant section of each, and the department and/or agency administering the Act.

The material in the handbook is divided by industrial sector, with a section on global requirements common to all businesses. It incorporates those federal statutes and regulations pertaining to records retention as at March 31, 1979. To facilitate usage, these requirements are written in business english. There are also indices outlining the federal departments and the relevant statutes administered by them, as well as alphabetical listings of the statutes and regulations relevant to records retention.

We appreciate that this handbook is a beginning and hope that it will be useful to business.

### NOTICE:

The handbook to Records Retention Requirements does not have parliamentary sanction and, therefore, does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as at march 31, 1979.



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## GLOBAL REQUIREMENTS:

All employers should check the application sections of these statutes and regulations to determine if they are relevant.

Three types of statutes and regulations are included in global requirements - those that:

- o apply to all or almost all businesses
- o can apply to any type of business
- o apply to a minority of employers, but in many types of businesses.

- - - -

- o Statutes and regulations that apply to all or almost all businesses:

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STATUTE: Canada Evidence Act, s. 30.

DEPARTMENT: Justice

#### Admissibility of Business Records

The Canada Evidence Act provides that:

- o where oral evidence about a matter would be admissible in a legal proceeding, a record made in the ordinary course of business containing information about that matter is also admissible. The circumstances surrounding the making of the record are important.
- o where a record made in the ordinary course of business does not contain information on a matter, the record may be admissible so as to draw the inference that such a matter did not occur.

#### Form of Business Records

The court may, upon production of any record, examine it, receive any evidence orally or by affidavit including evidence as to the circumstances in which the record was written, recorded, stored and/or reproduced and draw any reasonable inference from the form or content of the record.

Reference should be made to the relevant provincial Evidence Act. If it contains more stringent requirements, the employer should comply with them.

The Canada Evidence Act provides that:

- o when the record is produced in a form that is unintelligible to the court it may be admitted if it is accompanied by:
  - o a transcript of explanation by a qualified person and
  - o an affidavit setting out that person's qualifications.
- o when the original of the record cannot be produced, a copy may be admitted if it is accompanied by:
  - o an affidavit by the person who made the copy setting out:
    - o the source from which the copy was made and
    - o a statement that the copy is authentic.

REGULATIONS: Canada Pension Plan Regulations ss. 15 to 34.

STATUTE: Canada Pension Plan ss. 25, 26

DEPARTMENT: National Revenue (Taxation)

#### APPLICATION:

The records retention requirements described below apply to all employers who pay wages to employees engaged in "pensionable employment". Determining what constitutes pensionable employment is a matter of some complexity.

It should be noted that this is intended as a general guide to the provisions regarding the application of the Canada Pension Plan. Recourse should be had to the statute itself or expert advice for a determination in any particular case.

#### COVERAGE:

Employers must deduct the required Canada Pension Plan contribution from the remuneration of every employee:

- who is 18 years of age and has not reached 70 years of age, and
- who is employed in pensionable employment during the year, and
- who is not receiving a Canada Pension Plan retirement or disability pension, or other provincial plan pension benefits.

Every employer is also required to make a contribution on behalf of employees equal to the contributions deducted from them.



The employee's contribution is deducted by the employer from salary, wages or other remuneration paid to the employee. Other remuneration includes commissions, vacation or holiday pay, bonuses, director's fees, gratuities, the value of board and lodging and any other taxable benefits described in the Income Tax Act as amounts to be included as income from office or employment.

Some types of employment are excepted and some payments are exempt from Canada Pension Plan contributions under the Act or Regulations. The following list reflects most types of payments or benefits not subject to contributions, either because the employment is excepted or the payment exempt.

#### EMPLOYEE PAYMENTS NOT SUBJECT TO CANADA PENSION PLAN CONTRIBUTIONS:

Most of the types of payments or benefits not subject to Canada Pension Plan contributions are listed below. If there is still any doubt in your specific case, contact your District Taxation Office.

1. Pension payments, lump sum payments out of a pension fund, death benefits, amounts allocated under a profit-sharing plan or paid under a deferred profit-sharing plan, supplementary unemployment benefits, retiring allowances or severance payments received upon or after retirement from an office or employment in recognition of long service or in respect of loss of office or employment.

2. Payments to a person under 18 years of age or over 70 years of age. The effective date for commencing or discontinuing contributions is the beginning of the calendar month following the calendar month in which the employee reaches the age of 18 or 70.
3. Payments to a person to whom a retirement pension or a disability pension is payable under either the Canada Pension Plan or the Quebec Pension Plan.
4. Payments made after the death of the employee other than monies earned and owing before the date of death.
5. Payments arising from employment in agriculture or an agricultural enterprise, horticulture, fishing, hunting, trapping, forestry, logging or lumbering by an employer who either:
  - (a) pays the employee less than \$250 in cash remuneration in a year, or
  - (b) employs the employee, on terms providing for payment of cash remuneration, for a period of less than 25 working days in a year.
6. Payments arising from employment of a casual nature other than for the purpose of the employer's trade or business.



7. Payments arising from employment as a teacher on exchange from a foreign country, if the exchange has been arranged through the Canadian Education Association.
8. Payments arising from employment of a wife by the husband or vice versa.

**Note:** Contributions are not required on a portion of the remuneration of an employee married to a partner in the business. The portion exempted is in the same ratio to the employee's total remuneration from the business as the spouse's interest in the partnership is to the total equity of the business. For example, if the employee's spouse has a 25% interest in the business, then 25% of the employee's total remuneration will be exempt.

9. Payments arising from employment of a member of a religious order who has taken a vow of perpetual poverty and whose remuneration is paid either directly or by the member to the order.
10. Payments arising from employment for which no cash remuneration is paid, where the employee is the child of, or is maintained by the employer.

11. Payments arising from employment abating a disaster or in a rescue operation if the employee is not regularly employed by the employer.
12. Payments arising from employment, except as an entertainer, at a circus, fair, parade, carnival, exposition, exhibition, or other similar activity, if the employee:
  - (a) is not regularly employed by that employer, and
  - (b) is employed by that employer for less than seven days in the year.
13. Payments made in a year during which no employer-employee relationship existed, as ruled by the Department of National Revenue, Taxation.

**Note:** Payments made to an employee in one year for services performed in any previous year are subject to contributions at the rate in force in the year the remuneration was paid, whether or not the remuneration was earned in that year.

14. Payments made, subject to certain conditions, to census takers, election workers and non-resident directors.



15. Workmen's Compensation Board entitlements disbursed through the medium of an employer are not regarded as pensionable earnings.

**Note:** Any "top-up" portion of remuneration paid out of an employer's funds would qualify as pensionable earnings, and contributions would be required on that portion only.

#### PLACEMENT OR EMPLOYMENT AGENCIES:

In some cases when a person is placed by a placement or employment agency for services or employment with a client of the agency, the conditions under which the services are performed and remuneration paid constitute a contract of service or are analogous to one. When this is so, the service or employment is included in pensionable employment. Whoever pays the remuneration to the person performing the service, either the client or the agency, is deemed to be the employer for purposes of maintaining records, filing returns and paying contributions.

#### COVERAGE PARTLY OUTSIDE CANADA IN TRANSPORTATION:

Special rules apply to employment on ships, trains, trucks and aircraft. Information may be obtained at your District Taxation Office.

COVERAGE OUTSIDE CANADA AND  
COVERAGE BY A FOREIGN EMPLOYER:

Employment outside Canada by a Canadian employer is pensionable. Contributions are required if the employee ordinarily reports for work to the employer's establishment in Canada or if the employee is a Canadian resident and is paid from the employer's establishment in Canada. If these factors are not present, remuneration from employment outside Canada is not subject to Canada Pension Plan deductions.

Under certain conditions at the option of the employer, coverage may be extended to provide for contributions related to employment outside Canada. Coverage may also be extended in the case of employment in Canada by a foreign employer who does not have an establishment in Canada. This extension, subject to certain conditions, is again at the option of the employer.

Application forms and additional information on extended coverage are available at your District Taxation Office.



## INTERNATIONAL AGREEMENT CANADA-ITALY:

Consequent upon the ratification by Canada and Italy in 1977 of a Reciprocal Agreement on Social Security, coverage in respect of a particular employment either in Canada or Italy under either the Canada Pension Plan or the equivalent Italian legislation will be restricted to one or other of the two legislations. The Agreement will determine under which legislation coverage will be applied and will eliminate duplicate coverage. For more complete details refer to the pamphlet "The Agreement on Social Security between Canada and Italy" or contact your District Taxation Office.

## RECORDS WHICH MUST BE KEPT:

Every person paying remuneration to employees employed by him/her in pensionable employment must keep records and books of account. These must be of sufficient detail to allow any contributions payable or any contributions or other amounts that should have been paid or deducted to be determined.

## DISCLOSURE:

Any person authorized by the Minister may, at any reasonable time, examine the books, records and other documents required to be maintained. During the course of his/her examination, the examiner may require the employer to supply additional information and, if it appears that an offence has taken place, may seize any books, records or other documents and retain them until their production in any court proceeding is required.

#### RETENTION PERIOD:

Every record or book of account and all supporting accounts and vouchers must be retained until written permission for their destruction is obtained from the Minister of National Revenue.

#### PENALTY:

If it is discovered that the records being maintained by a particular employer are inadequate, the Minister may request an agreement that the books and records be maintained as required.

Continued failure to maintain adequate records is punishable on summary conviction, by a fine of not less than \$25 and not more than \$5,000. The employer may also be required to pay an amount not exceeding double the amount which should have been contributed.

Any subsequent failure to maintain adequate records is punishable, on summary conviction, by a fine of not less than \$25 and not more than \$5,000 and imprisonment for a term not exceeding six months.

\* \* \*

STATUTE: Combines Investigation Act, ss. 2, 10, 17, 19, 21.

DEPARTMENT: Consumer and Corporate Affairs

This statute does not require records to be kept. It gives the Director of Investigation and Research (or any person authorized by him/her) the right to enter premises on which there may be evidence relevant to an inquiry.

Anything on the premises may be examined. Any books, papers, records or other documents may be copied or taken away.

Before entering the premises or examining, copying or removing the documents, the Director or his/her representative must show a certificate from a member of the Restrictive Trade Practices Commission authorizing the exercise of such power.

When any document is removed from the premises, the original or a copy must be returned to the place of business within forty days. This period may be extended by agreement (of the person from whom the documents were taken) or by order of the Director. The Director must have cause to extend the forty day period.

If the Director or his/her representative is refused admission, the court may direct a police officer to take the steps necessary to give him or her access.

A member of the Commission may order any person to be examined or to produce documents. Refusal is considered to be contempt of court, but the Director must have a judge authorize any penalties imposed. The person is entitled to twenty-four hours notice of the application to the court. If the judge feels that less notice is necessary, the period may be reduced.

When a person is ordered or agrees to produce documents, they must be delivered to the Director within thirty days. Within sixty days after the receipt of the documents, the Director must return the originals or copies of the originals to the person from whom they were received. This also applies when the documents are seized under a search warrant.

Within thirty days from the date that the Minister of Consumer and Corporate Affairs receives a report of proceedings of the Commission, the Director must return all documents used in evidence. At the direction of the Attorney General of Canada, these documents may be retained by the Director for the purposes of prosecution.

The Commission or any member of the Commission has all the powers of a commissioner under Part I of the Inquiries Act. For more information about these powers, see page 18.

\* \* \*



REGULATIONS: Income Tax Regulations R. 1800

STATUTE: Income Tax Act, ss. 230, 230.1, 231

DEPARTMENT: National Revenue (Taxation)

#### APPLICATION

These requirements apply to:

- (a) every person carrying on business and every person required by or pursuant to the Income Tax Act to pay or collect taxes
- (b) registered charities and registered Canadian amateur athletic associations
- (c) registered agents of registered political parties and official agent of each candidate at an election of a member or members to serve in the House of Commons
- (d) foreign affiliates of taxpayers.

#### RECORDS WHICH MUST BE KEPT:

- (a) Business: every person carrying on business must keep records and books of account in such form and containing such information as will allow the taxes payable or the taxes and other amounts that should have been deducted to be determined.

These records must include an annual inventory which should contain sufficient information to allow valuation for tax purposes. (A businessman may choose the manner in which his inventory is valued; either at the cost to him/her or fair market value.)

The records should be supplemented by supporting documents such as:

- sales and purchase invoices
- contracts
- bank statements
- cancelled cheques.

In the case of a person carrying on business as a lawyer, the records must include all accounting records and all supporting vouchers and cheques.

The records and books of account referred to above must be kept at the person's place of business or residence in Canada or at such other place as may be designated by the Minister.

- (b) Registered charities and registered Canadian amateur athletic associations:

Every registered charity and registered Canadian amateur athletic association must keep adequate records and books of account, which must include duplicates of each receipt issued for donations received. These records must be kept at an address in Canada registered with, or designated by, the Minister.

- (c) Political Contributions: every registered agent of a registered political party and the official agent of each candidate must keep records and books of account. These must be of sufficient detail to allow the verification of expenditures and contributions. In addition, duplicates of all receipts (for contributions) issued must be retained.

These records may be kept:

- in case of a registered agent, at his/her address recorded in the registry maintained by the Chief Electoral Officer.
- in the case of an official agent, at an address in Canada recorded with or designated by the Minister.

- (d) Taxpayers with foreign affiliates: the requirements vary according to whether the taxpayer is a corporation or an individual and whether the foreign affiliate is a controlled foreign affiliate or any other foreign affiliate.

- (i) Individuals: - if the Canadian taxpayer is an individual or a trust, he/she will need only to maintain those records necessary to support his/her computation of Foreign Accrual Property Income.

- (ii) Corporations: - two situations can be distinguished:

1. Where the foreign affiliate is a controlled foreign affiliate

- adequate books, records and supporting documents should be available in Canada, on request, to verify information contained in the taxpayer's returns;

2. Any other foreign affiliates:

- if the taxpayer has a substantial interest in the affiliate and is able to make arrangements to obtain the required information, then the Minister would expect the same information to be available as there would be for a controlled foreign affiliate
- where such information is not readily available, and the corporation has made reasonable efforts to obtain it, the Minister may depending on the circumstances accept less.
- the corporation may compute the various amounts defined in Part 59 of the Income Tax Regulations by using alternate documentation if the Minister is satisfied that a reasonable approximation of such amounts can be obtained.

DISCLOSURE:

Any person authorized by the Minister of National Revenue may enter into any premises or place where:

- any business is carried on
- any property is kept
- anything is done in connection with any business
- any books or records are or should be kept

and audit or examine the books, records, documents vouchers and accounts required to be maintained by the Income Tax Act.

#### RETENTION PERIOD:

(i) For (a), (b) and (c) above, under item "RECORDS WHICH MUST BE KEPT," every record and book of account and every account or voucher necessary to verify the information contained in any book of account must be kept until written permission is obtained for destruction from the Minister.

National Revenue (Taxation) has suggested the following guidelines for the destruction of business records:

- (a) Permanent records must be kept indefinitely, even if microfilmed. These include:
- the minute book
  - the share register
  - general and private ledger sheets
  - special contracts and agreements
- (b) Other books and records must be kept for at least five years, calculated from the fiscal year-end for corporations and from the end of the calendar year in the case of individuals. At that time consideration would be given for permission to destroy. This would apply to:
- original books of entry, such as cash, purchase and sales books or journals
  - inventory and production records, payroll and distribution sheets
  - sales invoices, sales statements, sales slips and purchase and expense vouchers

Where accounts and records are maintained in an electronic data processing system, the system must include a method of producing visible and legible records which will provide adequate information to verify taxable income.

National Revenue, Taxation, will grant permission on a continuing basis to destroy books or original entry and source documents which have been microfilmed provided written assurance has been given that the following conditions will be met:

- (a) A log must be kept showing:
- the date of microfilming
  - the signature of the persons authorizing and performing the microfilming
  - a description of the records microfilmed.



- (b) An index must be maintained which will permit the immediate location of any particular records.
  - (c) the microfilmed records must be of commercial quality and exhibit a high degree of legibility
  - (d) a system of quality control and maintenance must be instituted to ensure continuing compliance with the preceding
  - (e) equipment must be available on reasonable notice to view, or where practicable, to reproduce hard copy of the microfilm.
- (ii) Foreign Affiliates:
- (a) In the case of a controlled foreign affiliate of a Canadian corporate taxpayer, the requirements are similar to those outlined above.
  - (b) In the case of other foreign affiliate, where the Canadian corporate taxpayer is unable to obtain complete information, only the information and records concerning the foreign affiliate that are maintained by the Canadian taxpayer are subject to the guidelines mentioned above.
  - (c) Where the Canadian taxpayer is an individual the general guidelines are applicable only to the records which are maintained to substantiate their computation of foreign property income.

#### PENALTY:

If it is discovered that the books and records being maintained by a particular business, etc., are inadequate, the Minister may request a written agreement that the books and records be maintained as required.

Continued failure to maintain adequate records is punishable on summary conviction by a fine ranging from \$200 to \$10,000, or both a fine and imprisonment for a term not exceeding six months.

\* \* \*

STATUTE:        Inquiries Act, ss. 2, 3, 4, 5.

This Act allows the Governor in Council to order an inquiry into matters concerning the good government of Canada or conduct of public business. The Governor in Council may appoint commissioners to conduct the inquiry.

The commissioners may:

- o summon witnesses
- o require them to give evidence under oath and
- o require them to produce documents relevant to the investigation.

The commissioners may enforce the attendance of witnesses and compel them to give evidence.

In many other Acts, the Minister (of the Department administering that Act) or the Governor in Council has the power to order an inquiry. Those conducting the inquiry are always given the powers of commissioners under the Inquires Act. As a result, any records relevant to the investigation might have to be produced.

\* \* \*

STATUTE:        Statistics Act, ss. 12, 30.

DEPARTMENT:    Treasury Board

This act does not require any particular record or form of record to be kept. It does provide that the Chief Statistician or his authorized representative may examine the records of a corporation for the purpose of extracting information. The person in charge of the records of any corporation must grant the Chief Statistician or his authorized representative this access. Failure to do so is punishable on summary conviction by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Unemployment Insurance (Collection of Premiums) Regulations ss. 2, 24.  
Unemployment Insurance Regulations ss. 11, 12, 13, 14, 15, 16, 37, 74, 76, 77, 80, 81, 84

STATUTE: Unemployment Insurance Act ss. 2, 3, 4.

DEPARTMENT: National Revenue (Taxation)

#### APPLICATION:

The records retention requirements described below apply to all employers who pay wages to persons engaged in "insurable employment". The provisions dealing with the definition of insurable employment are complex and are, therefore, explained below:

#### COVERAGE:

Employee and employer premiums are payable if the person performing the service is employed in insurable employment. Generally speaking, insurable employment is employment in Canada under a contract of service, express or implied, and, in certain circumstances, employment outside Canada. As with Canada Pension Plan contributions, you can apply for a ruling on doubtful cases at your District Taxation Office, using form CPT1 and related questionnaires.

Under certain circumstances the employment of barbers, hairdressers, taxi drivers, drivers of other passenger-carrying vehicles, and fishermen is included in insurable employment by regulations, even though they may not be employed under a contract of service.

#### INSURABLE EMPLOYMENT:

All employment in Canada, and certain employment outside Canada, under a contract of service, is insurable employment and subject to employee and employer premiums. However, some types of employment are excepted and some payments exempt from premiums under the Act or Regulations. The following list reflects most types of payments or benefits not subject to premiums. If you require further information, contact your District Taxation Office.



### EXCEPTED EMPLOYMENT:

The following types of employment are excepted by legislation and are therefore not insurable and not subject to premiums:

1. Employment of a person 65 years of age or over. The effective date for discontinuing coverage is the beginning of the month following the calendar month in which the insured person reaches the age of 65.
2. Employment of a person:
  - (a) whose remuneration is calculated in whole or in part on the basis of time worked or fixed salary and who is employed less than 20 hours in any week, or
  - (b) whose remuneration is calculated on any other basis than in (a) above and whose cash earnings from that employer are less than 30% of the maximum weekly insurable earnings.
3. Employment of a casual nature, other than for the purpose of the employer's trade or business.
4. Employment of a person by their spouse.

**Note:** If an employer is married to a partner in the business, the employment is not excepted. The total earnings, subject to the minimum and maximum limits for the pay period, are insurable.

5. Employment by a corporation of a person or the person's spouse, where more than 40% of the issued voting shares are controlled by the husband or wife individually or together.
6. Employment where the employee is a dependant of the employer.
7. Employment that constitutes an exchange of work or service.
8. Subject to item 2 above, employment in agriculture or an agricultural enterprise, or horticulture, by an employer who:
  - (a) pays the employee less than \$250 in cash remuneration in a year, or

- (b) employs the employee on cash remuneration terms for a period of less than 25 working days in the year.

**Notes:** A. Subject to item 2 above, if limits in 8(a) and 8(b) are exceeded, the employment will be insurable from the first day.

B. Items 8(a) and 8(b) do not apply to any continuous period of employment of 25 days or more that falls into more than one year if the person is paid at least \$250 in cash.

- 9. Employment of a person in abating a disaster or in a rescue operation if that person is not regularly employed by that employer.
- 10. Employment, other than as an entertainer, at a circus, fair, parade, carnival, exposition, exhibition or other similar activity, if the person is not in the regular employment of that employer and is employed less than 7 days in the year.

**Note:** Subject to item 2 above, employment for 7 days or more will be insurable from the first day.

- 11. Employment as a census taker or election worker by a government body if the person is not a regular employee and is employed for less than 25 days in such employment.

**Note:** Subject to item 2 above, employment for 25 days or more will be insurable from the first day.

- 12. Employment as a teacher on exchange from a foreign country, if the teacher is not paid by a Canadian employer.
- 13. Employment of a member of a religious order who has taken a vow of perpetual poverty and whose remuneration is paid either directly or by the member to that order.
- 14. Employment where no cash remuneration is paid.
- 15. Employment if premiums are required to be paid under the United States Unemployment Insurance Law or the United States Railroad Unemployment Insurance Act.

16. Employment in Canada of a non-resident person if premiums are payable under the Unemployment Insurance laws of any foreign country with respect to the employment in Canada.
17. Employment by a foreign government or an international organization unless that government or international organization has consented to cover its employees, and the Canada Employment and Immigration Commission has concurred.
18. Employment of a claimant on a job creation project approved by the Canada Employment and Immigration Commission.

#### INSURABLE EMPLOYMENT OUTSIDE OR PARTLY OUTSIDE CANADA:

Employment outside Canada or partly outside Canada under a contract or service will be insurable employment if:

- the employer is resident in Canada,
- the insured person normally resides in Canada,
- the employment is not insurable in the country where employed, and
- the employment is not excepted.

For information concerning employment outside Canada or partly outside Canada on ships, contact your District Taxation Office.

#### EARNINGS TO BE INCLUDED IN INSURABLE EARNINGS:

The insurable earnings of a person in insurable employment is the normal remuneration such as wages, salaries, commissions, etc., paid by the employer, whether in cash or partly in cash and partly in kind. This is of course, subject to the exclusions specified in item 2 on page 20.

Insurable earnings also include any other remuneration paid to the insured person by the employer:

1. As bonuses, gratuities, retroactive pay increases, share of profits, accumulative overtime settlements or awards.



2. As lump sum vacation payments, sick pay credits or separation payments included in the final payment of wages or before that in anticipation of termination of employment.

**Note:** Any amounts included by 1 or 2 above will increase the insurable earnings only in relation to the pay period in which they were paid.

3. For a pay period during which the insured person continues to be in insurable employment but is absent from work:
  - (a) because of illness, injury or quarantine,
  - (b) while compensated for work performed during a non-working day or for overtime worked,
  - (c) because of dismissal followed by reinstatement,
  - (d) during any holiday, leave or vacation, whether general or not or continuous or not.

**Note:** Vacation pay paid before vacation season is subject to premiums up to the maximum for the weeks concerned, but the allocation is held until the specific weeks that the vacation is taken. Vacation pay received on termination of employment, or before that in anticipation of termination, increases the insurable earnings only for the pay period in which it is paid. If you need additional information about the treatment of vacation pay, contact your District Taxation Office.

- (e) while awaiting to return to or to commence work,
  - (f) while the premises where employed are shut down.
4. The value of free room, free board, free living quarters (other than free living quarters or equivalent value provided by a diocese, parish or congregation to a member of the clergy) or any other benefit in kind received from the employer or enjoyed by the insured person because of the employment, subject to the exclusions specified in item 2 on page 20.

**Note:** Any remuneration included in insurable earnings but not allocated to specific weeks, other than in 1 or 2 above, shall be allocated equally to the number of weeks in that period.

## EARNINGS NOT TO BE INCLUDED IN INSURABLE EARNINGS:

Certain earnings received by a person in insurable employment are not considered insurable earnings and are therefore not subject to the payment of premiums. The following includes most types of remuneration not subject to premiums:

1. Remuneration paid under a supplementary unemployment benefit plan,
2. Pension payments, lump sum payments out of a pension plan, death benefits, amounts allocated out of an employee's profit-sharing plan or paid under a deferred profit-sharing plan,
3. Director's fees,
4. Benefits received by way of a stock option,
5. Benefits from the payment, by the employer, of a premium to medical plans while the insured person is laid off,
6. Remuneration consisting of benefits only with no cash payment involved,
7. Workmen's Compensation Board entitlements disbursed through an employer are not regarded as insurable earnings. However, any "top-up" portion of remuneration paid out of an employer's funds will qualify as insurable earnings, subject to the "top-up" reaching or exceeding the appropriate minimum limit for the pay period.

In addition, premiums are not required on the following payments made to an insured person, which are paid after termination of employment and after payment of regular remuneration for the last pay period:

Bonuses, gratuities, retroactive pay increases, accumulative overtime settlements, sick leave credits, vacation pay, share of profits, awards and retiring allowances or severance payments.

## SPECIAL CLASSES OF WORKERS:

Special rules cover certain classes of workers, as follows:

Lumbering and logging workers - The situation may occur where a person engaged under a contract of service by an employer performs work related to lumbering and logging operations, or in logging limits, driveways, yards or mills. In such cases, the owner of the mill, etc., who authorizes the employer to undertake the work may be deemed to be the employer of the employee for purposes of the payment of Unemployment Insurance premiums.

Workers engaged by placement and employment agencies - In some cases, a person is placed in insurable employment by a placement agency to perform services for, and under the direction and control of a client of the agency. Where that person is remunerated by the agency for performing the services, the agency is deemed to be the employer of that insured person for purposes of maintaining records and paying premiums.

## LIMITS TO INSURABLE EARNINGS:

In applying the hours and rates and the maximum insurable earnings for various pay periods by provinces and territories to employees on other than weekly payrolls, follow the instructions for "Daily", "Bi-weekly", "Semi-monthly" and "Monthly payrolls" and "Other periods and special cases".

## RECORDS WHICH MUST BE KEPT:

Every employer paying wages to employees employed in insurable employment must maintain a record, for each employee, containing:

- o the employee's social insurance number
- o particulars of any interruption of earnings (i.e. where an insured person has had a separation from employment of seven or more consecutive days during which no work was performed or wages paid)
- o sufficient information to enable any premiums payable or any premiums or other amounts that should have been deducted to be determined.



These records must be kept:

- o at the employer's place of business

OR

- o at the employer's residence

OR

- o at a place designated by the Minister.

#### DISCLOSURE:

Any person authorized by the Minister of National Revenue may:

- o enter any premises where any records or books of account are kept

- o audit or examine any of these records

- o require the employer to supply such additional information as may be required

- o if he believes an offence has been committed, seize any books and records until their production in any court proceedings is required.

#### RETENTION PERIOD:

The books, records and documents referred to above must be kept until written permission for their destruction is obtained from the Minister of National Revenue.

(For National Revenue's view of what records may be kept, microfilmed and the like, see the notes under "Records Which Must be Kept" under the Income Tax Act, page 14.)

#### PENALTY:

Where the books and records are not kept in accordance with the standards described above, National Revenue (Taxation) will determine the insurable earnings and premiums payable for each employee and assess the employer for the amount owing.

\* \* \*

REGULATIONS: Unemployment Insurance Regulations ss. 11, 12, 13, 14, 15, 16, 37, 74, 76, 77, 80, 81, 84.

Unemployment Insurance (Collection of Premiums) Regulations ss. 2, 24.

STATUTE: Unemployment Insurance Act ss. 2, 3, 4

DEPARTMENT: National Revenue (Taxation)

#### APPLICATION:

The records retention requirements described below apply to every deemed employer of a fisherman and every buyer. These are brief descriptions only and persons designated as employers for insuring fishermen should refer to the guide, "Fishermen and Unemployment Insurance."

- o fisherman: a person engaged, other than under a contract of service or for his own or some other person's sport, in making a catch or in any work incidental to making or handling a catch, whether such work consists in loading, unloading, transporting or curing the catch made by the crew of which he/she is a member or in preparing, repairing, dismantling or laying-up the fishing vessel or fishing gear used in making or handling the catch made by that crew, if the person engaged in the incidental work was also engaged in making the catch
- o buyer: a person who buys a catch for the purpose of reselling it either in the form in which it was caught or after processing, and not for the purpose of using it as food, feed or bait
- o employer of a fisherman - a number of situations can be distinguished:
  - (i) where the fresh or cured catch is delivered by a member of the crew to a buyer or a buyer's agent, and the members of the crew are declared to share in the proceeds of the sale, the buyer shall be regarded as the employer.
  - (ii) where a catch is delivered by a member of the crew to a person who is not a buyer or buyer's agent, the head fisherman of the crew, or where there is no head fisherman, the agent for the selling of the catch shall be regarded as the employer if the gross returns to the sale are paid to him/her.

- (iii) where there is a common agent acting for both the crew and the buyer, he shall be considered the employer of the crew but he/she may recover the premiums paid by him/her from the buyer.
- (iv) where the fresh or cured catch was delivered by a member of the crew to a buyer or a buyer's agent and that person failed to make the required declaration to the effect that the members of the crew are to share in the proceeds, or he/she made the declaration falsely, that person will be considered as the employer of the fishermen constituting the crew.

#### RECORDS WHICH MUST BE KEPT:

Records kept by employers and buyers must contain sufficient particulars to determine:

- o whether premiums are payable by the employer or buyer
- o the earnings of fishermen and their proper allocation and recording
- o the time for the payment of premiums by employer or buyer
- o any information required to be made in a declaration by a member of the crew when selling the catch to a buyer or buyer's agent on behalf of the entire crew

The declaration which must be made in these circumstances is of the following information:

- o that he/she is a member of the crew
- o the names and social insurance numbers of all the members of the crew who will share in the proceeds
- o the portion of each catch not caught by the crew
- o the name of any fisherman sharing in the returns who is a wife of a fisherman in the same crew and who also shares in the proceeds
- o the names and social insurance numbers of all members of the crew who are employed under a contract of service and the amount of remuneration
- o the names of the members of the crew to whom a pension under the Canada Pension Plan or the Quebec Pension Plan has become payable or who are over seventy years of age.

The records an employer must maintain for every fisherman employed by him/her must be kept separately from any records for other employees.



## DISCLOSURE:

Any person authorized by the Minister of National Revenue may:

- o enter any premises where any books or records of account are kept
- o audit or examine any of these records
- o require the employer to supply any additional information he/she may require
- o if he/she believes an offence has been committed, seize any books and records until their production in any court proceedings is required.

## RETENTION PERIOD:

The books, records and documents required to be maintained must be kept until written permission for their destruction is obtained from the Minister of National Revenue.

(For National Revenue's view of what records may be kept, destroyed, microfilmed and the like, see the notes under "Records Which Must be Kept" under the Income tax Act, page 14.)

## PENALTY:

An Officer of National Revenue (Taxation) who, on the first inspection of the records of an employer or buyer finds them to be inadequate, may determine the insurable earnings on the basis of oral information or a written declaration and assess the premiums payable in the normal manner (i.e. in the way prescribed by the Act). The employer or buyer must:

- o not have undertaken with National Revenue (Taxation) to maintain adequate records in the past
- o agree to maintain adequate records in the future
- o agree to make immediate payment of the premiums assessed
- o have, in the opinion of the officer, acted in good faith

When an Officer of National Revenue (Taxation) is of the opinion that the books maintained by any employer are inadequate, he/she may estimate the fisherman's insurable earnings and compute the premiums as 5% of that total. The Officer, therefore, may elect which way to proceed on a first inspection ---- as described above, imposing no penalty but instead making the employer enter into an undertaking to maintain adequate records, or he/she may impose the penalty of computing premiums as 5% of an estimated total.

STATUTE: Anti-Inflation Act, ss. 2, 3, 5, 13, 17, 18, 19, 21, 44, 46, 47.

DEPARTMENTS: Finance, National Revenue (Taxation)

#### APPLICATION:

The record retention and disclosure requirements apply to all suppliers of commodities and services who were subject to the wage and price restraints under the Act or guidelines.

The restraints were in effect from December 16, 1975 to December 31, 1978. All records respecting this period must be kept despite the fact that the restraint period has ended. The provisions allowing inspection and production of documents are still valid, as explained under DISCLOSURE, below.

Any employer who is uncertain as to whether he or she was subject to restraints during this period should either refer the matter to a lawyer or contact the Administrator of the Anti-Inflation Act.

#### RECORDS WHICH MUST BE KEPT:

Records and books of account (including an annual inventory if appropriate) must be kept. They must be kept at the place of business in Canada or at such other place as may be designated by the Minister. The records and books of account must be in a form and contain the information necessary to determine if the guidelines have been complied with from December 16, 1975 to December 31, 1978.

#### DISCLOSURE:

The Anti-Inflation Board and its members have the powers of a commissioner under Part I of the Inquiries Act. This means the production of documents may be ordered. For more information about these powers, see page 18.

The Board may require documents to be filed with the Board by publishing a notice in the Gazette or sending a notice to the supplier.

The Administrator of the Act may, by registered letter or by a demand served personally, require from a person or employee organization:

- o any information or additional information (including a return of information or supplementary return)
- o the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as its stipulated in the letter or demand.

Any person authorized by the Administrator may enter any premises or place where any business is carried on or any property is kept during reasonable times. This person may:

- o audit or examine the books and records, any compensation agreement and any account, voucher, letter or telegram or other document that relates or may relate to the information that is or should be in the books or records or that is connected with any compensation agreement

- o examine property described by an inventory or any property, process or matter to help determine the accuracy of the inventory or entries in the books or records
- o require the owner or manager of the property or business and any other person on the premises to give all reasonable assistance with the audit or examination.
- o require these people to answer all proper questions relating to the audit or examination either orally or in writing (on oath or by statutory declaration)
- o seize or take away any of the documents, books, records, papers or things that may be required as evidence of a contravention of the Act or the guidelines if it is believed there has been such a contravention.

If the Administrator is satisfied that there are reasonable and probable grounds to believe that the Act or guidelines have been contravened, he or she may (with the approval of a judge) enter and search any building or place for documents, books, records, compensation agreements, papers or things with the help of the police. These papers may be removed and kept until they are produced in proceedings under the Act.

#### RETENTION PERIOD:

No retention period is specified in the Act or guidelines. The Anti-Inflation Board has made a policy decision to require books and records only until June 30, 1980. This means that books and records retained for Anti-Inflation Act purposes may be destroyed on that date. It is important to note that this is a policy decision which does not have the force of law. According to the Act and guidelines, these records must be kept and no destruction period is specified.

Before records or books are destroyed, it would be prudent to contact the Administrator to check the status of this policy decision. It is also important to note that books and records must be kept past that date if:

- o all required returns for all guideline years have not been filed and dealt with by the Board
- o the applicable periods for filing notices of dissatisfaction or appeal have not expired
- o there are outstanding inquiries, investigations, examinations, audits or searches
- o there are outstanding proceedings before the Administrator, Anti-Inflation Appeal Tribunal or any court of law.

#### PENALTY:

Where a person who is required by this Act or by a registered letter sent or demand made by the Administrator pursuant to this Act

- o to maintain books and records or
- o to file a return, a supplementary return, information or additional information



fails to do so as and when required, the penalty will be not less than \$100 and not more than the lesser of:

- o \$100 for each day during which the books and records were not maintained or during which he or she was in default in filing the return or information or
- o \$10,000.

Any person who, knowing that statements in a representation made or a return filed under this Act are false or deceptive, makes or participates in, assents to or acquiesces in the making of those statements

- o to avoid compliance with this Act and the guidelines:
  - o destroys, alters, mutilates, secretes or disposes of records or books of account
  - o makes or participates in, assents to or acquiesces in the making of false or deceptive entries in records or books of account or
  - o omits or participates in, assents to or acquiesces in the omission of a material particular from records or books of account
- o wilfully evades or attempts to evade compliance with any provision of this Act or an order made by the Administrator
- o conspires with any person to commit the above offences

is guilty of an offence and is liable

- o on summary conviction to a fine of not less than \$200 and not more than \$10,000 or to imprisonment for a term of two years or both, or
- o on conviction upon indictment, to a fine in the discretion of the court, but not less than \$10,000, and to imprisonment for a term of five years.

Any person who fails to keep books and records of account at the appropriate place and in the proper form is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

Any person who fails to give assistance to persons authorized by the Administrator, fails to answer questions (orally or in writing) or refuses to allow an audit, examination or search to take place is guilty of an offence punishable on summary conviction.

Every person who fails to file information with the Board or to provide it when ordered to do so, is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 for each day during which the offence continues.

STATUTE: Canada Business Corporations Act ss. 19, 20, 46, 101, 108, 222, 223.

DEPARTMENT: Consumer and Corporate Affairs

APPLICATION:

These requirements apply to:

- o every company incorporated under the Canada Business Corporations Act
- o every corporation incorporated under the Canada Corporations Act or some provincial Companies Act and continued under the Canada Business Corporations Act.

NOTE: Where a corporation is continued under the CBCA any reference to:

- (a) minutes of meetings and the resolutions of shareholders
- (b) adequate accounting records
- (c) records containing the minutes of meetings and the resolutions

includes similar records required to be maintained by the company before it was continued.

RECORDS WHICH MUST BE KEPT:

(I) Records containing the following information:

- (a) the articles, by-laws and all amendments
- (b) a copy of any unanimous shareholders' agreement
- (c) minutes of the meetings and resolutions of the shareholders
- (d) copies of any notice naming the first directors of the corporation and sent to the Director at the Department of Consumer and Corporate Affairs pursuant to s. 101.
- (e) copies of any notice of a change in the Board of Directors sent to the Director at Consumer and Corporate Affairs pursuant to s. 108.
- (f) a securities register containing the following information with respect to each class of securities:
  - o the names, alphabetically arranged, and the address of each person who is or has been a security holder
  - o the number of securities held by each security holder
  - o the date and particulars of the issue and transfer of each security.

- (II) Adequate accounting records must be maintained by the corporation and be made available for inspection by the Directors at any time during the normal business hours of the Corporation.
- (III) Records of the minutes of Directors meetings, or of any Committee of Directors and the resolutions dealt with.

The records described above may be kept:

- o in a bound or looseleaf form or
- o in the form of photographic film or

may be entered or recorded in any:

- o system of electronic or mechanical data processing
- o other information storage device which is capable of reproducing stored information in intelligible written form.

The records described in (a) to (e) above must be kept at the registered office of the corporation in Canada or at such other place within Canada as the Directors may, by resolution, direct.

Regarding (f), above, the corporation must maintain a central securities register at its registered office or such other place in Canada as the Directors, by resolution, specify. In addition, the corporation may maintain branch securities registers at any place in or outside Canada designated by the directors. The branch securities register should contain particulars of the issue and transfer of securities at that branch only. Particulars of each issue and transfer recorded in the branch securities register must also be recorded in the central securities register.

A corporation must also keep a copy of the financial statements of its subsidiaries at its registered office.

#### DISCLOSURE:

The shareholders and creditors of a corporation, their agents and legal representatives and the Director (at Consumer and Corporate Affairs) may examine the records described above during the normal business hours of the corporation and take extracts from them free of charge.

A shareholder of a corporation is entitled, on demand and without charge, to one copy of the articles, by-laws and any unanimous shareholder's agreement.

The Director or a shareholder of a corporation may apply to a court having jurisdiction in the place where the corporation has its registered office for an order directing an investigation of the affairs of the corporation or any of its affiliates.

The grounds upon which such an investigation may be ordered are:

- o the business of the corporation or any of its affiliates has been carried on with intent to defraud any person



- o the business of the corporation or any of its affiliates has been carried on or conducted in a manner as to be oppressive to a security holder
- o the powers of the Directors of the corporation or any of its affiliates have been exercised in such a manner as to be oppressive to a security holder
- o the corporation or any of its affiliates was formed for a fraudulent or unlawful purpose or is being dissolved for a fraudulent or unlawful purpose
- o persons connected with the formation, business or affairs of the corporation have acted fraudulently or dishonestly.

If the court orders an investigation, it may make any order it sees fit including (but not limited to):

- o an order appointing an inspector
- o an order appointing an inspector to enter any premises in which there might be relevant information and to examine any records, books or documents
- o an order requiring any person to produce records, books or documents to an inspector

#### RETENTION PERIOD:

A corporation or its agent is not required to produce:

- o a cancelled securites certificate six years after its cancellation
- o warrants, option rights or a like instrument after the date of expiry.

In all other cases the records must be preserved indefinitely.

#### PENALTY:

Failure to maintain books and records is punishable, on summary conviction, by a fine not exceeding \$5,000.

\* \* \*

REGULATIONS: Regional Development Incentives Regulations s. 13.

STATUTE: Regional Development Incentives Act

DEPARTMENT: Regional Economic Expansion

APPLICATION:

These requirements apply to any project:

- o funded in whole or in part by a development incentive from the Department of Regional Economic Expansion and
- o for which the funding is based upon the number of jobs created.

RECORDS WHICH MUST BE KEPT:

Payroll records must be kept in sufficient detail to allow the verification of all wages and salaries paid.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

These payroll records must be kept for as long as DREE has an open case file on the contract (usually 42 months).

PENALTY:

Not specified.

\* \* \*

STATUTE: Canada Labour Code, ss. 2, 27, 62, 63, 66, 67, 69, 86, 118, 192, 198.

DEPARTMENT: Labour

APPLICATION:

The provisions of the Canada Labour Code apply to employers and employees engaged in work under the jurisdiction of the federal government.

This jurisdiction covers:

- o Interprovincial and International:
  - o railways
  - o highway transport
  - o telephone, telegraph and cable systems
  - o pipelines
  - o canals
  - o ferries, tunnels and bridges

- o Shipping and shipping services
- o Radio and television broadcasting
- o Air transport, aircraft and aerodromes
- o All chartered banks
- o Primary fishing where the fisherman works for wages
- o Any employment in works, undertakings and businesses which have been declared to be for the general advantage of Canada or for the advantage of two or more of the provinces such as:
  - o uranium mining and processing
  - o grain elevators
  - o flour and feed mills, feed warehouses and seed cleaning mills
  - o certain railways operating solely within a province
  - o the Hudson Bay Mining and Smelting Company Limited (at Flin Flon, on the Saskatchewan-Manitoba border)
  - o the works and undertakings of the British Columbia Telephone Company Limited
- o All industries in the Yukon and Northwest Territories (only Part V of the Canada Labour Code - Industrial Relations)
- o All crown corporations except departmental corporations
- o The employee and employer organizations composed of those working in the above areas.

There are two parts to the Canada Labour Code which are relevant to record retention.

Part III, dealing with standard hours, wages, vacations and holidays is the part under which the Canada Labour Standard Regulations have been made. These regulations apply to every employee and employer under the jurisdiction of the federal government. These regulations are on page 39.

Part IV deals with safety of employees. Again, all regulations under this part apply to employers and employees under federal jurisdiction. There are some exceptions, and these are noted in the "application" column on the page where the regulation is discussed. There are common requirements for all regulations under Part IV, and rather than repeating them with each regulation, they are listed below:

#### DISCLOSURE:

Under Part IV of the Code, the Minister of Labour may designate certain people to enforce safety of employees. Both regional safety officers and safety officers have certain rights. They may:

- o inspect and examine all books and records relating in any way to conditions of work that affect the safety or health of any person employed,

- o take extracts from or make copies of any entry in these books or records,
- o require an employer to make or furnish full and correct statements - verbally or in writing - about the conditions of work affecting the safety or health of all or any of the employees and the materials and equipment used by them in their employment,
- o require any person to make full disclosure of all records and documents in his/her possession or under his/her control relating to:
  - o the conditions of work affecting his/her safety or health, or
  - o that of his/her fellow workers, in his/her or their employment.

The safety officer is furnished with a certificate of authority and the employer may ask him/her to produce it.

#### PENALTY:

All reasonable assistance must be given to the safety officers.

It is an offence to obstruct or hinder them in their duties. It is an offence to make a false or misleading statement - verbally or in writing - to a safety officer. It is also an offence to fail or neglect to comply with a direction made by a safety officer.

The penalties are:

- o for employers, a fine not exceeding \$5,000 or imprisonment for up to one year or both.
- o for persons in charge or any other person, punishment on summary conviction.

#### INQUIRIES:

The Minister of Labour may, under Parts III, IV and V of the Code, order an inquiry. The people conducting it are given the powers of commissioners under the Inquiries Act. This means that the production of log books, documents and papers may be ordered. For more information about inquiries see page 18.

#### CANADA LABOUR RELATIONS BOARD:

Under Part V of the Canada Labour Code, the Canada Labour Relations Board may examine:

- o documents forming or relating to the constitution or articles of association of a trade union or council of trade unions that is seeking certification or any trade union forming part of a council of trade unions that is seeking certification,
- o records relating to these documents.

Anyone may be ordered to produce documents, books or papers in his/her possession or under his/her control. Failure to do so is punishable on summary conviction by a fine not exceeding \$400.



REGULATIONS: Canada Labour Standards Regulations ss. 2, 24.

STATUTE: Canada Labour Code, Part III

DEPARTMENT: Labour

#### APPLICATION:

These requirements apply to every employer to whom the Canada Labour Code applies. This is explained on page 36.

#### RECORDS WHICH MUST BE KEPT:

(i) A record for each employee showing:

- o the date of commencement of employment
- o the date of termination of employment.

(ii) A record for each employee showing:

- o full name, address, Social Insurance Number, occupational classification and sex of the employee
- o when the employee is under the age of seventeen years, the age of the employee
- o rate of wages, clearly indicating whether it is on a hourly, weekly, monthly or other basis
- o date and particulars of any change in the rate of wages
- o clear indication of the method of computation of rates of wages calculated on the basis of anything but time
- o hours worked each day unless the employee is a manager, superintendent or exercises management functions
- o actual earnings, showing the amounts paid each pay day, for overtime, vacation pay, general holiday pay, bereavement leave pay, termination pay and severance pay
- o payments made each pay day after deductions, with clear details of the deductions made
- o dates of commencement and termination of annual vacations, showing the year of employment in respect of which each vacation is given
- o dates of commencement and termination of any maternity leave

- o any holiday with pay given to an employee as compensation for working on a general holiday
- o the period of averaging and the date it commences, where an averaging plan is in effect
- o the employees' pay periods
- o copies of:
  - o any application for maternity leave and medical certificates related to it
  - o any medical certificate in respect of sick leave
  - o any bereavement leave
  - o any notice of termination of employment or intention to terminate employment required in the Code.

Notice is required when the employment

- o of fifty or more employees is terminated within a period not exceeding four weeks, or
- o of less than fifty employees is terminated, and the regulations prescribe that notice is necessary.

This notice must be given to the Minister of Labour. Copies must be sent to the Canada Employment and Immigration Commission and any trade union certified to represent any employee whose employment has been terminated. If an employee is not represented by a trade union, notice must be given to him or posted by the employer in a conspicuous place in the industrial establishment where the employee works.

Furthermore, notice is required when

- o the employment of an employee who has completed three consecutive months of continuous employment is terminated.

In this case, notice must be given to the employee at least two weeks prior to the termination date.

Two weeks wages at the regular rate of wages for the regular hours of work may be given in lieu of notice.

When the employer is bound by a collective agreement that allows senior employees to replace redundant ones, notice of the redundancy of the replaced employee must be given to the trade union and employee at least two weeks before the position becomes redundant. A copy must be conspicuously posted. Two weeks wages, in lieu of notice, may be given.

#### RETENTION PERIOD:

- (i) Thirty-six months after the date of termination of employment.
- (ii) Thirty-six months from the time that the work is performed.

#### DISCLOSURE:

An inspector designated by the Minister of Labour may:

- o inspect and examine
- o take extracts from
- o make copies of
- o require the employer to furnish full and correct statements - orally or in writing - regarding

the books, payrolls and other records of an employer that in any way relate to the wages, hours of work or conditions of employment affecting any employee.

To do so, an inspector may enter any place used in connection with a federal work, undertaking or business. The person in charge can require the inspector to show the certificate of his/her authority.

An inspector may require an employee to make full disclosure and delivery to him/her of all

- o records
- o documents
- o statements
- o writings
- o books
- o papers
- o extracts from or copies of the above

that relate to the wages, hours of work or conditions of his employment.

An inspector may question an employee separate from the employer.

#### PENALTY:

It is an offence to fail to give the inspector reasonable assistance, and to fail to keep these records. Anyone who fails to keep records or refuses to produce them is liable on summary conviction to a fine not exceeding \$50 for each day that the failure or refusal continues.

REGULATIONS: Canada Accident Investigation and Reporting Regulations,  
ss. 2, 3, 5, 6, 8, 9, 11, 13.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

APPLICATION:

These requirements apply to any employer to whom the Canada Labour Code applies, as explained on page 36.

There are several exceptions (areas of employment to which these records retention requirements do not apply):

- o employment in the running and operating of trains
- o employment in the piloting and operating of aircraft
- o employment upon or in connection with the operation of ships that is unrelated to the loading and unloading of ships in Canadian ports
- o the underground workings of any mine
- o automobiles, trucks, truck trailers or other motor vehicles in operation on public highways.

RECORDS WHICH MUST BE KEPT:

(i) Record of Accident

A record must be kept of any accident of condition at a work place or site that results in:

- o a disabling injury to an employee

Disabling injury is defined as any work injury that:

- o prevents an employee from reporting for work or effectively performing all of the duties connected with his/her regular work on any day subsequent to the day on which the injury occurred, whether or not that day was a holiday or other non-working day, or
- o results in the loss by an employee of a body member or part thereof or in the permanent impairment of a body function whether or not the employee is prevented from reporting for work or effectively performing his/her regular work.
- o an electric shock, toxic atmosphere or oxygen deficient atmosphere that causes an employee to lose consciousness
- o the implementation of rescue, revival or other similar accident emergency procedures
- o an explosion



- o any incident for which the regional safety officer requests a report is an accident for the purposes of these regulations.

In the event of an accident, the employer must make:

- o a report of the investigation of the accident by a qualified person. This report must be made on a Canada Accident Investigation Report form as prescribed by the Department of Labour (or any similar form approved by the Division Chief).

(ii) Record of Minor Injuries

Any minor injury is any work injury for which either first aid or medical treatment was provided, and that was not a disabling injury for the purposes of these record retention requirements.

In the event of a minor injury, the employer must:

Where Less Than 15 Employees Are Normally Employed

- o make a record showing:
  - o the date of the accident
  - o the name of the injured employee
  - o the work site or location where the accident occurred; and
  - o the estimated cost of any property damage or material loss resulting from the accident.

Where 15 Or More Employees Are Normally Employed

- o make a record showing:
  - o the date and time of the accident
  - o the name of the injured employee
  - o the work site or location where the accident occurred
  - o the principal cause or causes of the accident
  - o the name of the department or unit to which the employee reports for work
  - o a brief description of the injury and its direct cause
  - o the date, time and type of treatment provided
  - o the initials or name of the person who provided the treatment
  - o the nature and estimated cost of any property damage or material loss resulting from the accident.

(iii) Record Of Annual Accidents And Minor Injuries

Every employer must submit an annual report to the Director, Accident Prevention and Compensation Branch, Department of Labour. It must be submitted not later than March 1st of the year following December 31st of the year reported. This report must be submitted even if no accident occurred. It must be made on a Canada Employer's Annual Accident Experience Report Form or any similar form that is approved in writing by the Division Chief.

This report must contain:

- o the number of disabling injuries
- o the number of fatalities
- o the number of reportable accidents and minor injuries that involved property damage or material loss
- o the average number of employees employed during the reporting year expressed in terms of full-time employees or man-years including office workers
- o the approximate number of office workers in the total work force
- o the total number of man-hours worked; and
- o the disabling injury frequency rate. This disabling injury frequency rate is the number of disabling injuries per million man hours worked.

An employer with more than five work places in one province, employing less than 15 employees in each during the reporting year may combine these statistics and report by province, eg. fill one report out for each province. If this is done, the number of work places included must be shown on the report.

#### DISCLOSURE:

These reports and records must be readily available for inspection by a safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

In all cases, each report and record required by these regulations must be kept on file at the workplace to which the report or record applies. If the regional safety officer approves, they may be kept at any other place.

In all cases, these reports and records must be kept for two years.

#### PENALTY:

Penalties under Part IV of the Code are on page 38.

REGULATIONS: Canada Boiler and Pressure Vessel Regulations, ss. 2, 3, 8, 10.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to any person designing, constructing, installing, operating and maintaining boilers, pressure vessels and plants to which the Canada Labour Code applies. This is explained on page 36.

These regulations do not apply to:

- o a boiler that is used in connection with a hot liquid heating system that has no valves or other obstructions to prevent circulation between the boiler and an expansion tank that is vented freely to the atmosphere
- o a heated boiler, as defined in the Canadian Standards Association Code, that has a heating surface of  $3 \text{ m}^2$  or less
- o a pressure vessel that has a capacity of 40/l or less
- o a pressure vessel that is installed for use at a pressure of 100kPa or less
- o a pressure vessel that has an internal diameter of 150 mm or less
- o a pressure vessel that has an internal diameter of 600 mm or less and that is used for the storage of hot water
- o a pressure vessel that is used exclusively for hydraulic purposes at ambient temperature
- o a pressure vessel that has an internal diameter of 600 mm or less and that is connected to a water-pumping system containing air that is compressed to serve as a cushion
- o a refrigeration plant that has a capacity of 18 kW or less of refrigeration.

#### RECORDS WHICH MUST BE KEPT:

(i) Every employer must ensure that every boiler, pressure vessel or plant is inspected by a qualified person as often as is necessary to ensure that the boiler, pressure vessel or plant is safe for its intended use. A record of these inspections must be kept.

This record must be signed by the person who carried out the inspection, include the date of the inspection and the identification and location of the boiler, pressure vessel or plant that was inspected.

(ii) Every employer must ensure that, within seventy-two hours of every accident or occurrence involving the use of a boiler, pressure vessel or plant that endangered the safety or health of any person, a record is made. This record must include:

- o in the case of an accident, the date, time and place
- o in the case of an occurrence other than an accident, a description of the occurrence
- o in all cases, the principal cause or causes and any corrective action that was taken.

#### DISCLOSURE:

The records of inspections and accidents must be available at all reasonable times for inspection by a safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

The records of inspections and accidents must be kept for ten years.

#### PENALTY:

For penalties under Part IV of the Code, see page 38.

\* \* \*

REGULATIONS: Canada Confined Spaces Regulations, ss. 2, 5, 8, 9.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These requirements apply to every employer to whom the Canada Labour Code applies. This is explained on page 36.

#### RECORDS WHICH MUST BE KEPT:

- (i) Record Of Evaluation Of Hazardous Confined Spaces



A hazardous confined space is defined as a:

- o tank
- o silo
- o storage bin
- o process vessel, or
- o other enclosure,

not designed or intended for human occupancy when special precautions are necessary for an employee entering into the confined space. These precautions are needed to:

- o protect the employee from a dangerous atmosphere in the confined space,
- o prevent the employee from becoming entrapped in a material stored in the confined space,
- o otherwise ensure the employee's safety in the confined space.

The hazard of every hazardous confined space must be evaluated by a qualified person before any entry to the confined space is made. The qualifications of this person must be acceptable to the regional safety officer. The qualified person must write:

- o a report of the hazard evaluation,
- o the pre-entry and other procedures to be carried out with respect to the hazardous confined space, and
- o the emergency and rescue procedures to be implemented in the event of a mishap in the hazardous confined space.

This record, as well as

- o the results of any test conducted in connection with the evaluation of the hazard of the hazardous confined space, and
  - o the results of any test conducted immediately prior to or during each entry
- must be kept on file by the employer.

(ii) Record Of Test Of Atmosphere

Before any employee enters a hazardous confined space,

- o the concentration of toxic, flammable, explosive, radio-active, infectious or other airborne dangerous substance is reduced to and maintained at a safe level confirmed by a test

- o that is suitable for the hazard involved
- o and conducted by a qualified person

and the results of this test must be recorded in a solidly bound book.

#### DISCLOSURE:

In all cases:

All records must be readily available for examination upon request by a safety officer or by any employee who is required to enter the hazardous confined space to which the documents or book relate.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

The records of the evaluation of hazardous confined spaces must be kept for as long as that evaluation and those procedures are valid.

The record of the tests of the atmosphere must be kept for as long as the hazardous confined space may be entered by any employee.

#### PENALTY:

Penalties under Part IV of the Code are on page 38.

\* \* \*

REGULATIONS: Canada Dangerous Substances Regulations, ss. 2, 3, 10, 11, 12, 13, 16, 17.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These requirements apply to every employer to whom the Canada Labour Code applies. This is explained on page 36.

These regulations do not apply to the transportation of dangerous substances over public highways.

## RECORDS WHICH MUST BE KEPT:

### (i) Record of tests of atmosphere

A dangerous substance is defined as any substance that, because of a property it possesses, is dangerous to the safety or health of any person who is exposed to it.

When the atmosphere of any area where an employee works is subject to contamination by a dangerous substance:

- o the employer must have the atmosphere sampled and tested as often as necessary to ensure that:
  - o in the case of dangerous substances assigned a Ceiling "C" value by the American Conference of Government Industrial Hygienists in its pamphlet "Threshold Limit Values for Air Borne Contaminants 1971", as amended, the concentration of a dangerous substance only exceeds the recommended level for a period of time calculated according to a formula prescribed by the American Conference of Governmental Industrial Hygienists. Any other level approved in writing by the Division Chief is acceptable.
  - o in the case of dangerous substances other than those given a Ceiling "C" value:
    - o the threshold limit value in the pamphlet "Threshold Limit Values for Air Borne Contaminants 1971" (see above) is complied with or
    - o the employer conforms with any standard that follows good industrial safety practice and is acceptable to the Division Chief
  - o in the case of flammable or combustible substances in the atmosphere, the concentration of the substance must be lower than the limit prescribed by the National Fire Protection Association in "National Fire Code 1969/70", as amended.
- o the employer must have the atmosphere sampled and tested as directed by the Regional safety officer.

This sampling and testing must comply with:

- o a method recommended by the American Conference of Governmental Industrial Hygienists, National Fire Protection Association or American Society for Testing and Materials, or
- o any other sampling and testing method that follows good industrial safety practice and is acceptable to the Division Chief.

The record of sampling and testing must:

- o be signed by the person(s) who carried out the test
- o include the date, time and location of the test

- o include the number of persons normally occupying the area tested
- o include the dangerous substance for which the test was made
- o include the type of testing equipment and result obtained and
- o include the name and occupation of the person(s) who made the test

(ii) Record of training in emergency procedures

When an employee uses or handles a dangerous substance or radiation emitting device that requires training to use and instruction in emergency procedures, the employer must:

- o instruct and train the employee in the proper method to follow to minimize and control the danger
- o instruct and train the employee in the emergency procedures to follow in the event of an accident involving that substance or device
- o set out this instruction and training in writing
- o ensure that the methods used follow good industrial practice acceptable to a safety officer.

DISCLOSURE:

The record of atmosphere tests must be available to a safety officer at all reasonable times.

The record of training given must be readily available for inspection by a safety officer and every employee to whom it applies.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

RETENTION PERIOD:

All records of atmosphere tests must be kept for three years from the time the test was done.

The record of training given must be kept for three years from the date the training was carried out.

PENALTY:

Penalties under Part IV of the Code are on page 38.



REGULATIONS: Canada Electrical Safety Regulations, ss. 2, 3, 16, 25, 26  
34.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to every employer to whom the Canada Labour Code applies. This is explained on page 36.

These regulations do not apply to employment upon or in connection with the underground operation of any mine.

#### RECORDS WHICH MUST BE KEPT:

##### (i) Record of instructions for working on live electrical facilities

A live electrical facility is defined as an electrical facility that:

- o produces, contains, stores or is electrically connected to a source of alternating or direct current of an ampacity and voltage that is dangerous to employees, or
- o contains any hydraulic, pneumatic or other kind of energy that is capable of making the facility dangerous to employees.

No employer can permit an employee to work and no employee is required to work on a live electrical facility with a voltage between two conductors of more than 5,200 volts, or between a conductor and ground of more than 3,000 volts, unless:

- o the employee is provided with special insulated tools and equipment as are necessary for good electrical safety practice for the safe performance of the work, and
- o the employee is trained and instructed in the safe use of such tools and equipment, and
- o where the regional safety officer directs, written instructions for the use of each employee engaged in the work are prepared.

##### (ii) Record of special procedures

No employee shall work so close to any live, unguarded or uninsulated electrical line or other conductor with an operating voltage within the ranges in Column I than the distance from:

- o any part of the body of the employee, or
- o any part of anything with which he or she is in contact and that is normally capable of conducting electricity

to the conductor is less than:

- o the distance in Column II, where the employee is not a qualified person
- o the distance in Column III, where the employee is a qualified person
- o the distance in Column IV, unless the employee has permission in writing from the regional safety officer and follows a special procedure that conforms to good electrical safety practice and is approved in writing by the regional safety officer.

Instructions on how to follow this special procedure must be signed and dated by the person in charge.

Distances from Live Electrical Conductors

Column I	Column II	Column III	Column IV
Voltage Range of Conductor: Conductor to Ground	Distance in feet	Distance in feet	Distance in feet
1. Over 425 to 12,000	10	3	1
2. Over 12,000 to 22,000	10	4	1 1/2
3. Over 22,000 to 50,000	10	5	2
4. Over 50,000 to 90,000	15	6	3
5. Over 90,000 to 120,000	15	7	4
6. Over 120,000 to 150,000	20	9	5
7. Over 150,000 to 250,000	20	11	7
8. Over 250,000 to 300,000	25	13	9
9. Over 300,000 to 350,000	25	15	11
10. Over 350,000 to 400,000	30	18	13

(iii) Record of oral instructions

Before

- o an electrical facility is isolated to permit work or live tests to be performed or
- o its isolation is changed or terminated

every person in charge who has given oral instructions about operating a control device affecting the isolation of that facility shall:

- o designate the device to which these oral instructions apply
- o prescribe the correct sequence of operation (where applicable)
- o require that the instructions are repeated word for word or otherwise assure himself/herself that the instructions are understood

- o make and sign a record in writing, stating:
  - o the day and hour when the instructions were issued and (to the extent that is practical) the day and hour of the beginning and end of the period during which the instructions apply
  - o the name of the person to whom the instructions apply.

(iv) Record of isolation guarantee

When two or more employers supply electrical energy to an electrical facility, the employers may agree that a guarantee of isolation for that electrical facility will be given. This guarantee may be given for each source of energy by or on behalf of one of them. This employer will be designated by the other employer(s) as the employer responsible for giving the guarantee. This designation must be in writing.

An employer designated as the one giving the guarantee may:

- o act as the guarantor or
- o designate in writing one or more of his/her employees to act as the guarantor.

Any agreement between employers to designate one as the guarantor (whether or not that employer acts himself/herself or designates that an employee will act) must state:

- o the identity of the facility to which the agreement applies
- o the period during which the agreement will remain in effect
- o the date of the agreement
- o the name of the guarantor or guarantors

and must be signed by the parties to the agreement.

**DISCLOSURE:**

The record of instructions for working on live electrical facilities must be available to a safety officer and any employee required to work in accordance with the instructions.

The record of special procedures must be available for examination by any employee who is required to work on the electrical facility, any person who is authorized to enter the work area and any safety officer.

The record of oral instructions must be readily available to a safety officer and to the persons concerned.

A copy of every agreement to give a guarantee of electrical isolation must be available to the persons affected by the guarantee while the agreement remains in effect, and to a safety officer.

See the general disclosure requirements under Part IV of the Canada Labour Code, on page 37.

#### RETENTION PERIOD:

The retention period for the record of instructions for working on live electrical facilities is not specified.

The record of special procedures must be kept for one year following the completion of the work for which the special procedures were used.

The record of oral instructions must be kept for one year.

A copy of every agreement to give an electrical isolation guarantee must be kept for one year from the time that the agreement ceases to be in effect.

#### PENALTY:

Penalties under Part IV of the Code are on page 38.

\* \* \*

REGULATIONS: Canada Elevating Devices Regulations, ss. 2, 3, 8, 14.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to all elevating devices and manlifts used in federal works, undertakings and businesses, other than the underground workings of mines. For further information, see page 36.

These regulations do not apply to:

- o a belt, bucket, scoop, roller or similar type of conveyor
- o a portable tiering or piling machine that is used to move material to and from storage and that is located and operated within one storey
- o equipment for feeding or positioning materials
- o a hoist for raising or lowering materials if the hoist is provided with unguided hooks, slings or similar means for attachment to the materials
- o a lubrication hoist or similar mechanism
- o a lift bridge
- o a railroad car lift or dumper
- o a vertical conveyor that is inoperable from within its car and that is not equipped with a platform designed for carrying a person.



#### RECORDS WHICH MUST BE KEPT:

(i) Every employer shall ensure that every elevating device is inspected by a qualified person:

- o before it is placed in service
- o after a major alteration and
- o as frequently as is necessary to ensure that it is safe for its intended use.

A record of each inspection must be made. This record must:

- o be signed by the person who made the inspection
- o include the date of the inspection and the identification and location of the elevating device that was inspected.

(ii) Every employer must ensure that, within seventy-two hours of any accident or other occurrence involving the use of an elevating device or a manlift that endangers the health or safety of any person, a record is made of the accident or other occurrence.

This record must show:

- o in the case of an accident, the date, time and place of the accident
- o in the case of an occurrence other than an accident, a description of the occurrence
- o in all cases, the principal cause or causes and any corrective action that was taken.

#### DISCLOSURE:

The records of inspections and accidents must be available for inspection by a safety officer at all reasonable times.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

The records of inspections and accidents must be kept for ten years.

#### PENALTY:

For penalties under Part IV of the Code, see page 38.

REGULATIONS: Canada Fire Safety Regulations, ss. 2, 3, 5, 8, 9, 10, 11, 12.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to every employer to whom the Canada Labour Code applies. This is explained on page 36.

Except these regulations do not apply to:

- o the underground workings of the Cape Breton Development Corporation
- o the underground workings of the Hudson Bay Mining and Smelting Company in the Flin Flon mineral area
- o any works, businesses or undertakings that are subject to the Government Property Fire Prevention Regulations
- o any building that is exempted from the application of these regulations by the Division Chief.

#### RECORDS WHICH MUST BE KEPT:

##### (i) Record of emergency fire plan

An emergency plan must be prepared for a building when:

- o the building is normally occupied by more than 50 employees on any one shift unless they all normally occupy the ground floor or when
- o the safety officer directs.

When two or more employers would be required to prepare an emergency plan for the same building, they may prepare a common emergency plan.

For each building for which an emergency plan must be prepared, the employer must:

- o appoint a chief emergency warden and deputy chief emergency warden
- o appoint an emergency warden and a deputy emergency warden for each floor occupied by employees.

The chief emergency warden must have a copy of any emergency plan prepared for that building.

##### (ii) Record of emergency wardens' meetings

Each time a change is made to the emergency plan and at least once a year, the chief emergency warden, deputy chief emergency warden and all emergency wardens must meet to become familiar with the plan and their responsibilities.

The report of this meeting must contain:

- o the date of the meeting
- o the names and titles of those present
- o a summary of the matters discussed.

(iii) Records of inspections

The following inspections must be made:

by the chief or deputy chief emergency warden of every building for which the employer is required to prepare an emergency plan. The inspection must include fire escapes, exits, stairways and all fire prevention and prevention equipments and devices in the building to ensure that they are in good condition and ready for emergency use. A record of inspection must be made and be dated and signed by the person who made the inspection.

- o any equipment that cannot be adequately inspected by these people must be inspected by a qualified person as often as possible to ensure that it is in good operating condition and ready for emergency use. A record of the inspection must be made, and it must be dated and signed by the person who made the inspection.
- o fire protection and prevention equipment and devices must be maintained and repaired by a qualified person in accordance with a written procedure acceptable to the safety officer and in keeping with good industrial safety practice.

(iv) Record of emergency drill

Once a year, the employer must have an emergency fire drill conducted. It must be under the supervision of the chief emergency warden for the employees in any building for which an emergency plan must be prepared.

In addition, there must be a drill as soon as is reasonably practicable after every significant change in the emergency plan.

Every employer must prepare a report containing:

- o the date and time of day of the drill
- o the length of time the employees take to evacuate the building or complete the drill.

DISCLOSURE:

The record of the emergency fire plan must be available for examination by any emergency warden or safety officer.

The record of the emergency wardens' meeting must be available at all reasonable times to a safety officer.

The records of inspections must be available at all reasonable times to a safety officer.

The record of emergency drills must be available at all reasonable times to a safety officer.

For the general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

The retention period for the record of the emergency fire plan is not specified.

The record of the emergency wardens' meetings must be kept for two years from the date of the meeting.

The records of inspections must be kept for two years from the date of the inspection.

The record of the emergency fire drill must be kept for two years from the date of the drill.

#### PENALTY:

Penalties under Part IV of the Code are explained on page 38.

\* \* \*

REGULATIONS: Canada First-Aid Regulations, ss. 2, 15.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to any employer to whom the Canada Labour Code applies. This is explained on page 36.

#### RECORDS WHICH MUST BE KEPT:

##### Record of employment injuries

Every employer or person in charge must ensure that a record is kept of all employment injuries. This record must be in a form acceptable to the regional safety officer.

#### DISCLOSURE

This record must be available for examination by a safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.



RETENTION PERIOD:

This record must be kept for two years from the date of the employment injury.

PENALTY:

Penalties under Part IV of the Code are explained on page 38.

\* \* \*

REGULATIONS: Canada Hand Tools Regulations, ss. 2, 15.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

APPLICATION:

These regulations apply to any employer to whom the Canada Labour Code applies. This is explained on page 36.

RECORDS WHICH MUST BE KEPT:

Record of inspection and maintenance plans

When a regional safety officer directs, every employer must

- o have a hand tool (a tool that is designed to be held in the hand and that is operated by manual power) and portable power tool (a tool that is designed to be held in the hand and that is operated by any source of power other than manual power) inspection and maintenance plan
- o keep a record of all inspections and maintenance work performed in accordance with such plan.

DISCLOSURE:

For general disclosure requirements under the Canada Labour Code, see page 37.

RETENTION PERIOD:

Not specified.

PENALTY:

Penalties under Part IV of the Code are explained on page 38.

\* \* \*

REGULATIONS: Canada Machine Guarding Regulations, ss. 2, 8, 9.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

APPLICATION:

These requirements apply to any employer to whom the Canada Labour Code applies. This is explained on page 36.

RECORDS WHICH MUST BE KEPT:

Record of repair and maintenance procedures

A record of the following procedures must be kept:

- o repair or maintenance procedures to be used on a machine when the machine guard must be removed from its protective position and it is not reasonably practical to make the machine or part inoperative to do the repair or maintenance work.

This procedure must be in keeping with good industrial safety practice and must ensure that the person doing the repair or maintenance work is not endangered any more than he/she would be if the work was done when the machine or part was rendered inoperative.

Each time this work is done (on a machine or part not rendered inoperative), written authority must be given by the person in charge.

The work must be performed under the supervision of the person in charge or a qualified person authorized by the person in charge.

The regional safety officer may direct that the procedure is unsafe and should not be followed unless directed by him or her in writing.

DISCLOSURE:

This record must be available to persons who repair and maintain machines and to the regional safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

RETENTION PERIOD:

Not specified.

PENALTY:

Penalties under Part IV of the Code are explained on page 38.

REGULATIONS: Canada Materials Handling Regulations ss. 2, 3, 4, 38, 41, 67, 73, 75.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to any employer to whom the Canada Labour Code applies, as explained on page 36.

Except these regulations do not apply to:

- o the underground operations of any mine that are subject to any other regulations made under this Act (for instance, the Cape Breton Development Corporation)
- o the operation and use of motor vehicles on public roads.

#### RECORDS WHICH MUST BE KEPT:

##### (i) Record of training

Any employee designated by his employer to operate or assist in the operation of materials handling equipment must be trained and instructed in the safe and proper use of materials handling equipment.

The employer must keep a record of any training and instruction provided to these employees.

##### (ii) Record of safety schedules

When required by good industrial safety practice or directed by the regional safety officer, the employer must provide and maintain a safety and maintenance check schedule. The schedule must show:

- o the equipment checked
- o the date of the check
- o the nature of the check
- o the maintenance work performed on the equipment.

This schedule must be kept at the place where the materials handling equipment is maintained.

##### (iii) Record of physical examinations

At the written request of the Division Chief, any employee who operates or assists in the operation of materials handling equipment must submit to a physical examination by a qualified medical practitioner.

A record of each physical examination made must be kept.

(iv) Record of code of signals

The standard code of signals, meaning a code of signals that

- o is adopted by an employer for use by all signalmen/women in his/her employ in directing the safe movement or operation of materials handling equipment, and
- o complies with the code of signals recommended by the National Safety Council or by the American National Standards Institute or any other standard approved by the regional officer,

must be provided, in writing, by the employer to each signalman/woman in his/her employ. It must also be provided, in writing, to all employees who are required to obey such signals. The employer must ensure that all employees are instructed and trained in the use of the code.

The code of signals must be kept on file.

(v) Record of training and work procedure

When any employee is required to manually lift or carry loads in excess of 20 pounds, the employee must be trained and instructed in a safe method of lifting and carrying these loads and a record of the work procedure to be used must be kept on file.

DISCLOSURE:

The record of the safety schedule must be available for inspection by a safety officer.

The record of physical examinations must be available for inspection by a safety officer.

The record of training and work procedure must be available to any safety officer and employee to whom it applies.

The code of signals must be available for examination by a safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

RETENTION PERIOD:

The record of safety schedules must be kept for one year from the date of the check.

The retention period for the record of physical examinations is not specified.

The retention period for the record of training and work procedures is not specified.



The retention period for the code of signals is not specified.

**PENALTY:**

Penalties under Part IV of the Code are explained on page 38.

\* \* \*

**REGULATIONS:** Canada Noise Control Regulations, ss. 2,6,7,8.

**STATUTE:** Canada Labour Code, Part IV

**DEPARTMENT:** Labour

**APPLICATION:**

These regulations apply to any employer to whom the Canada Labour Code applies, as explained on page 36.

**RECORDS WHICH MUST BE KEPT:**

Record of sound level and hearing tests

If a safety officer feels that an employee is exposed to sound levels that may impair his/her hearing, the safety officer may require that:

- o a survey of the sound levels at that site be conducted by a person whose qualifications are acceptable to the regional safety officer
- o any employee at any work site be given a hearing test.

The employer must keep a complete record of sound level or hearing tests. This record must be in a form acceptable to the regional safety officer.

**DISCLOSURE:**

These records must be readily available for examination by a safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

**RETENTION PERIOD:**

These records must be kept for five years from date of tests.

**PENALTY:**

Penalties under Part IV of the Code are explained on page 38.

\* \* \*

REGULATIONS: Canada Protective Clothing and Equipment Regulations,  
ss. 2, 7.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to any employer to whom the Canada Labour Code applies, as explained on page 36.

#### RECORDS WHICH MUST BE KEPT:

##### Record of personal protective equipment

Any clothing, equipment or device worn or used by a person to protect himself from the dangers of his/her employment is considered to be personal protective equipment.

Every employer must ensure that all personal protective equipment that he/she is required to have available for his/her employees is stored, maintained, inspected and tested by a qualified person for the purpose of ensuring that it is in a safe and fully effective condition at all times.

The regional safety officer may require any employer to keep a record of any personal protective equipment. This record must show:

- o a description of the equipment and the date of its purchase or acquisition and
- o the date and result of each inspection and test of the equipment and
- o the date and nature of any maintenance work performed on the equipment since its purchase or acquisition by the employer.

#### DISCLOSURE:

This record must be available for inspection by any safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

These records must be kept for two years from the date of the purchase, acquisition, inspection, test or maintenance work, as the case may be.

#### PENALTY:

Penalties under Part IV of the Code are explained on page 38.

REGULATIONS: Canada Safe Illumination Regulations, ss. 2, 3, 9.

STATUTE: Canada Labour Code, Part IV

DEPARTMENT: Labour

#### APPLICATION:

These regulations apply to any employer to whom the Canada Labour Code applies, as explained on page 36.

Except these regulations do not apply to the underground workings of mines that are subject to other regulations under the Canada Labour Code (the Cape Breton Development Corporation, as an example).

#### RECORDS WHICH MUST BE KEPT:

##### Record of lighting tests

Every employer must ensure that the level of illumination of every lighting system that is provided or used by him/her is tested:

- o immediately after the installation of a new lighting system and
- o immediately after the major alteration of a lighting system and
- o as often as necessary in accordance with good industrial safety practice to ensure that the lighting system conforms with the requirements of these Regulations.

A record of all tests of the level of illuminations must be kept by the employer. It must be kept in a place where it can easily be inspected by a safety officer.

#### DISCLOSURE:

The record must be readily available for inspection by a safety officer.

For general disclosure requirements under Part IV of the Canada Labour Code, see page 37.

#### RETENTION PERIOD:

These records must be kept for two years from the date of the test.

#### PENALTY:

Penalties under Part IV of the Code are explained on page 38.

## AGRICULTURE

This sector includes activities such as growing and selling fruits and vegetables, raising livestock (which includes poultry) and all services incidental to agriculture. If the dominant characteristic of the business is storage or transportation of agricultural products (e.g., grain elevators, shipping livestock), reference should be made to:

- o AGRICULTURE - Incidental Services, then
- o STORAGE - Agricultural Products, or TRANSPORTATION, whichever is relevant.

- - - - -

### FRUIT AND VEGETABLE FARMS:

Apples	- <u>Ontario Apple Information (Interprovincial and Export) Regulations, (Canada Agricultural Products Marketing Act)</u> .....	68
Grapes	- <u>Ontario Grapes-for-Processing Information (Inter-Provincial and Export) Regulations, (Canada Agricultural Products Marketing Act)</u> .....	69
Turnips	- <u>P.E.I. Vegetable Information (Interprovincial and Export) Regulations, (Canada Agricultural Products Marketing Act)</u> .....	70

### LIVESTOCK FARMS:

Bovines	- <u>Animal Disease and Protection Regulations, (Animal Disease and Protection Act)</u> .....	70
Poultry	- <u>Hatchery Regulations, (Livestock and Livestock Products Act)</u> .....	72
Turkeys	- <u>B.C. Turkey Marketing Board (Interprovincial and Export) Order, (Canada Agricultural Products Marketing Act)</u> .....	73

### INCIDENTAL SERVICES:

Animal Semen Production Centers	- <u>Animal Disease and Protection Regulations, (Animal Disease and Protection Act)</u> .....	74
Livestock Pedigree Associations	- <u>Livestock Pedigree Act</u> ..	75
Packers Yards	- <u>Stockyards Regulations, (Livestock and Livestock Products Act)</u> .....	76



Packing Plants: Maple Products - <u>Maples Products Industry Act</u> .....	77
Pest Control Products - <u>Pest Control Products Regulations, (Pest Control Products Act)</u> .....	78
Processors/Graders: Livestock Products - <u>Livestock and Live-stock Products Act</u> .....	79
Produce Warehouses - <u>Produce Licensing Regulations, Processed Fruit and Vegetable Regulations, (Canada Agricultural Products Standards Act)</u> .....	80
Stockyards - <u>Stockyards Regulations, (Livestock and Livestock Products Act)</u> .....	81
Weather Modification - <u>Weather Modification Information Act</u> .....	82

\* \* \*

REGULATIONS: Ontario Apple Information (Interprovincial and Export) Regulations ss. 2, 3, 4, 5, 6.

STATUTE: Canada Agricultural Products Marketing Act, s. 4

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to everyone in Ontario who is engaged in the production or marketing of Ontario-grown apples to be sold outside Ontario unless the apples are grown in:

- o the territorial districts of Ontario

OR

- o the provisional county of Haliburton.

RECORDS WHICH MUST BE KEPT:

All information relating to the:

- o production
- o sale
- o purchase
- o transporting
- o receiving or
- o processing

of apples must be kept.

DISCLOSURE:

All books and records must be produced for inspection upon the request of an Officer or person appointed by the Ontario Apple Marketing Commission.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above is punishable, on summary conviction, by a fine not in excess of \$500 or imprisonment for a term not exceeding three months or both.

\* \* \*

REGULATIONS: Ontario Grapes-for-Processing Information (Interprovincial and Export) Regulations, ss. 2, 3, 4, 5, 6.

STATUTE: Canada Agricultural Products Marketing Act, s. 4

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to everyone in Ontario who is engaged in the production or marketing of Ontario-grown grapes to be sold for processing outside Ontario.

RECORDS WHICH MUST BE KEPT:

(i) Records of all matters relating to the production or marketing of grapes must be kept.

(ii) Producers must also keep:

- o copies of the dealer's original records of the varieties, grades and weights of the grapes supplied by the dealer
- o signed copies of the dealer's weight slips.

(iii) Dealers must also keep:

- o records of the varieties, grades and weights of the grapes delivered.

DISCLOSURE:

Every person engaged in the production or marketing of grapes shall, when requested to do so by a member of the Ontario Grape Grower's Marketing Board, produce the books and records in his possession relating to the handling of the grapes by him or her.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above is punishable, on summary conviction, by a fine of not more than \$500 or by imprisonment for a term not exceeding three months or both.

\* \* \*

REGULATIONS: P.E.I. Vegetable Information (Interprovincial and Export) Regulations, ss. 2, 3, 4, 5.

STATUTE: Canada Agricultural Products Marketing Act, s. 4

DEPARTMENT Agriculture

APPLICATION:

These requirements apply to everyone in Prince Edward Island who is engaged in the production or marketing of P.E.I.-grown turnips to be marketed outside P.E.I..

RECORDS WHICH MUST BE KEPT:

Records of all matters relating to the production or marketing of turnips by him/her must be kept.

DISCLOSURE:

Information must be furnished and records produced for inspection on the request of an Officer or authorized representative of the P.E.I. Vegetable Marketing Board.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above provisions is punishable, on summary conviction, by a fine of not more than \$500 or to imprisonment for a term not exceeding three months or both.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, ss. 78.20, 78.22, 78.24.

STATUTE: Animal Disease and Protection Act, s. 48

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every owner or person in charge of a bovine of:

- o a dairy breed over the age of 18 months

OR



- o a beef breed over the age of 24 months

(except a steer or spayed heifer) who wants it transported within a non-designated region:

- o from an owner's farm or premises to another

OR

- o from an owner's farm or premises to a public sale, auction or market of livestock.

#### RECORDS WHICH MUST BE KEPT:

A certificate that the bovine has been tested and proved negative for brucellosis within thirty days preceding the transport must be kept

OR

A certificate from an inspector that the bovine is from a brucellosis-free herd

OR

Where the sale is conducted on the owner's premises, a certificate that the bovine has proved negative to a test for brucellosis.

#### DISCLOSURE:

The appropriate certificate must be produced to a duly authorized inspector on request.

#### RETENTION PERIOD:

Records must be kept for six months from the date a bovine is moved from an owner's premises.

#### PENALTY:

Failure to produce the certificate to an inspector on his/her request is an offence punishable on summary conviction. Persons found guilty are liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Hatchery Regulations, s. 19

STATUTE: Livestock and Livestock Products Act, s. 29

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any hatcheryman.

Hatchery: any place, building, or premises equipped with an incubator capacity of one thousand or more eggs.

RECORDS WHICH MUST BE KEPT:

- (i) A record of each lot of eggs purchased or accepted for incubation or shipped to another hatchery for hatching.
- (ii) A record of each lot of eggs set in the hatchery and each lot of chicks hatched for each hatch.
- (iii) A record containing the names and addresses of all persons involved and the number of eggs or chicks involved in the above transactions.
- (iv) A record of the disposition of all unsold chicks.

DISCLOSURE:

An inspector designated under the Act may require the production for inspection of all books and records pertaining to chicks or poultry.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the records described is punishable:

- o on summary conviction for a first offence by a fine of not less than \$100.
- o in the case of a second or subsequent offence, by a fine of not less than \$100 or by imprisonment for a term of not less than one month and not exceeding six months or by both fine and imprisonment.

REGULATIONS: B.C. Turkey Marketing Board (Interprovincial and Export) Order, ss. 2, 3.

STATUTE: Canada Agricultural Products Marketing Act, s. 4

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person engaged in the raising of any class of turkey for meat or egg production in the area covered by the B.C. Turkey Marketing scheme and destined for interprovincial or international trade.

RECORDS WHICH MUST BE KEPT:

Accurate books and records, in English, containing information regarding the:

- o production
- o processing
- o packing
- o storing
- o transporting
- o marketing

of the turkeys by him/her must be kept.

DISCLOSURE:

Any person authorized by the B.C. Turkey Marketing Board may enter and inspect the premises where turkeys are raised and demand the production of any of the information required to be maintained in the form of books and records.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the books and records as prescribed or to grant an inspector access is an offence punishable on summary conviction. If found guilty, a person is liable to a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, ss. 116, 119.

STATUTE: Animal Disease and Protection Act, s. 48

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person who operates an animal semen production centre.

RECORDS WHICH MUST BE KEPT:

For each animal the following information must be recorded:

- o date on which the animal was admitted to the centre
- o name and address of the owner or the person from whom the animal was purchased
- o a certificate that the animal was tested, and proved negative for:
  - tuberculosis
  - brucellosis
  - leptospirosis

and, these additional tests in the case of:

(a) a bovine:

- bluetongue
- leucosis
- paratuberculosis
- vibrosis
- trichomoniasis

(b) a porcine animal:

- transmissible gastroenteritis
- Aujerzky's disease

(c) a goat:

- bluetongue

and any other disease that the Minister may specify within thirty days preceding the date of admission,

- o the date on which the animal was released from the centre and the disposition made of it
- o the dates on which semen was collected from each animal, the quantity collected and stored in the centre, identified by animal.



DISCLOSURE:

These records must be produced for examination by an authorized inspector on request.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to produce records for examination by an inspector is an offence punishable on summary conviction by a fine not exceeding \$500 or by imprisonment for a term not exceeding six months or both.

\* \* \*

STATUTE: Livestock Pedigree Act, ss. 2, 5, 10, 12.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any livestock pedigree association.

RECORDS WHICH MUST BE KEPT:

(i) Private breeding records for each member.

(ii) The secretary of the association must also keep a book at the head office. The officer designated as responsible must keep a book at each branch office of the association. The bylaws and all amendments must be kept in these books.

DISCLOSURE:

The Minister of Agriculture may authorize an inspection of the private breeding records of the association in order to assess the adequacy of the system.

If, on the basis of this inspection, he/she deems it necessary, the Minister may appoint a person to hold an inquiry into the way in which the association is carrying on its business.

The head of the inquiry has all the powers of a Commissioner under the Inquiries Act. (He/she may compel the production of the private breeding records and the books of the Association).

The books containing the bylaws and their amendments must be open for inspection by the members of the association at all reasonable times.

RETENTION PERIOD:

Not specified.

PENALTY:

For details of the penal sanctions which a Commissioner may use to compel the production of records and the appearance of witnesses, see page 18.

If the Minister of Agriculture is satisfied that the association has failed to carry on its business in accordance with the requirements in the by-laws or this Act for a period of twelve months, he or she may

- o make a direction to the association that seems proper in the interest of the purposes for which the association was incorporated.

Failure to comply with this direction may result in:

- o the take-over of the association by the Minister's representative on the Canadian National Livestock Record Board
- o a declaration that the corporate powers of the association are at an end.

\* \* \*

REGULATIONS: Stockyards Regulations, s. 31.

STATUTE: Livestock and Livestock Products Act, s. 29

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every owner or operator of a packers yard.

Packer's Yard: any enclosed place operated by any packer and used in connection with receiving, holding or weighing livestock for slaughter or for marketing or shipment for slaughter.

RECORDS WHICH MUST BE KEPT:

A record must be kept of the:

- o origin
- o class
- o volume
- o quality
- o purchase price

of all livestock received.

DISCLOSURE:

An authorized inspector may require the production for inspection of all books and records relating to the operation of the packer's yard.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to keep records in the prescribed form is punishable on summary conviction:

- o for a first offence, by a fine of not less than \$100.
- o in the case of a second or subsequent offence, by a fine of not less than \$100 or by imprisonment for a term of not less than one month and not more than six months or by both fine and imprisonment.

\* \* \*

STATUTE: Maple Products Industry Act, ss. 2, 3, 6, 7, 9, 10, 14, 15, 17.

DEPARTMENTS: Agriculture, Consumer and Corporate Affairs

APPLICATION:

These requirements apply to anyone carrying on the business of buying maple products and packing, bottling or treating them in any way before selling them again. Maple products are defined as any product or preparation prepared directly or indirectly from the sap of the maple.

RECORDS WHICH MUST BE KEPT:

Every owner or operator of a manufacturing or packing plant must keep a record of:

- o all maple products
- o the names and addresses of those who sold the products to him or her and those to whom the products were sold (all vendors and purchasers of the maple products).

These records must be in a form prescribed by the Minister of Agriculture.

DISCLOSURE:

The Minister of Consumer and Corporate Affairs may designate anyone as an inspector under this Act. The inspectors may enter manufacturing and packing plants to examine all books and records.

RETENTION PERIOD:

Not specified.

PENALTY:

It is an offence to obstruct an inspector or to refuse to produce records for examination. The punishment for:

- o a first offence is a fine of between \$10 and \$300 or imprisonment for up to three months or both.
- o subsequent offences is a fine of between \$25 and \$500 or imprisonment for up to six months or both.

\* \* \*

REGULATIONS: Pest Control Products Regulations, ss. 2, 26.

STATUTE: Pest Control Products Act, s. 10

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person in whose name a certificate of registration is issued. A certificate of registration is a certificate issued by the Director of the Plant Products Division of the Production and Marketing Branch of the Department of Agriculture. This certificate is issued when the product is named under the Pest Control Products Regulations.

RECORDS WHICH MUST BE KEPT:

A record of all quantities of the product named in the certificate that have been:

- o stored
- o manufactured or
- o sold

must be kept.

DISCLOSURE:

This record must be made available to the Director at his or her request at such time and in such manner as the Director may require.

RETENTION PERIOD:

Records must be kept for five years from the time the record is made.



PENALTY:

Every person who fails to comply with these requirements is guilty of an offence punishable:

- o on summary conviction by a fine not exceeding \$500 or imprisonment for six months or both, or
- o on indictment and is liable to imprisonment for 2 years.

\* \* \*

STATUTE: Livestock and Livestock Products Act, ss. 33, 34.

DEPARTMENT: Agriculture

APPLICATION:

The requirements apply to every person processing, grading, shipping or transporting any livestock product.

A livestock product is defined as meat, raw hides and skins, raw furs, dressed poultry, eggs or wool.

RECORDS WHICH MUST BE KEPT:

Adequate records must be maintained relating to the operations carried out by him/her on the livestock products.

DISCLOSURE:

An inspector may require the production for inspection of all records relating to a livestock product or its disposition.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who obstructs an inspector in the carrying out of his/her duties is liable on summary conviction:

- o for a first offence to a fine of \$100
- o in the case of a second or subsequent offence to a \$300 fine or imprisonment for three to six months or both.

\* \* \*

REGULATIONS: Produce Licensing Regulations, ss. 2, 14.  
Processed Fruit and Vegetable Regulations, s. 18

STATUTE: Canada Agricultural Products Standards Act, ss. 6, 13.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every owner or operator of a licensed produce warehouse.

RECORDS WHICH MUST BE KEPT:

(i) In relation to fresh fruit and vegetables handled by the warehouse, records must be kept of:

- o details of all transactions carried on under the licence
- o names and addresses of the owners of the business
- o accurate records of shipments of fresh fruit and vegetables organized by:
  - o kind and grade of produce

AND

- o size of containers.

(ii) In relation to processed fruit and vegetables handled by the warehouse, records must be kept of:

- o monthly pack figures of all fruit and vegetables packed within the establishment.

DISCLOSURE:

An authorized inspector may enter any place in which he/she believes an agricultural product is stored and require the production of any:

- o books
- o shipping bills
- o bills of lading
- o other documents and papers relating to the product.

The owner or person in charge of the premises must render any assistance the inspector may require and not hinder him/her in the execution of his/her duties.

RETENTION PERIOD:

Not specified.

**PENALTY:**

Failure to maintain adequate books and records or failure to permit an inspector to examine them is an offence punishable:

- o on summary conviction by a fine not in excess of \$500 or by imprisonment for a term not in excess of six months or both or
- o on indictment by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding one year or both.

\* \* \*

**REGULATIONS:** Stockyards Regulations, ss. 10, 11, 27, 31.

**STATUTE:** Livestock and Livestock Products Act, s. 29

**DEPARTMENT:** Agriculture

**APPLICATION:**

These requirements apply to any owner or operator of a stockyard.

Stockyard: any area of land in operation as a public market for the sale of livestock declared to be a stockyard by the Minister of Agriculture.

**RECORDS WHICH MUST BE KEPT:**

(i) A record must be kept of the:

- o origin
- o owner
- o number
- o kind

of all livestock in each shipment.

(ii) A record must be kept of all sales.

(iii) A record must be kept of all orders for purchases.

**DISCLOSURE:**

An authorized inspector may require the production for inspection of all books, records and other documents related to the conduct of the stockyard.

Every cooperative association and commission merchant operating a stockyard must produce for inspection, upon request, all orders for the purchase of livestock.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to keep records in the prescribed form is punishable on summary conviction:

- o for a first offence by a fine of not less than \$100
- o in the case of a second or subsequent offence by a fine of not less than \$100 or by imprisonment for a term not less than one month and not more than six months or by both fine and imprisonment.

\* \* \*

STATUTE: Weather Modification Information Act, ss. 4, 5, 7.

DEPARTMENT: Environment

APPLICATION:

These requirements apply to every person who carries out any weather modification activity.

RECORDS WHICH MUST BE KEPT:

A daily record must be maintained of:

- o the location and operation of any equipment used
- o any meteorological observations made in the geographic area affected or intended to be affected by the activity
- o the chemical nature, physical properties and quantities of any substance emitted into the atmosphere for the purposes of weather modification.

DISCLOSURE:

This record must be made available for inspection by the Administrator or his/her authorized representative at any reasonable time.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to produce the record for inspection is punishable on summary conviction by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both.

\* \* \*



## COMMUNICATIONS:

This sector includes networks and stations engaged in radio and television broadcasting, including the Canadian Broadcasting Corporation, community channels and privately owned stations and networks.

### RADIO:

A.M. - Radio (A.M.) Broadcasting Regulations, (Broadcasting Act) ... 83

F.M. - Radio (F.M.) Broadcasting Regulations, (Broadcasting Act) ... 85

### TELEVISION:

Community Channels - Cable Television Regulations, (Broadcasting Act) ..... 88

Networks and Stations - Television Broadcasting Regulations, (Broadcasting Act) ..... 89

\* \* \*

REGULATIONS: Radio (A.M.) Broadcasting Regulations, ss. 2, 3, 4, 11.

STATUTE: Broadcasting Act, s. 29.

DEPARTMENT: Canadian Radio-television and Telecommunications Commission.

### APPLICATION:

These regulations apply to all persons licensed to operate an A.M. station and to all matter broadcast by such stations. Station is defined as a broadcasting transmitting undertaking that broadcasts sound only and is operated by a licensee and includes such undertakings owned by the Canadian Broadcasting Corporation. Station does not include an undertaking that only rebroadcasts the signal of another station.

### RECORDS WHICH MUST BE KEPT:

(i) Each station must keep a program log. The form must be acceptable to the Canadian Radio-television and Telecommunications Commission. Each day the following information must be recorded:

- o the date
- o the call letters, location and frequency of the station
- o the times at which station identification announcements were made
- o the title and a brief description of each program broadcast, the name of the sponsors, if any; the time at which the program commenced and concluded and the appropriate code word or letter for the language or origin of the program, according to Schedule I.

## SCHEDULE I

### Language and Origin of Programming

The following code words or letters are to be used to indicate language and origin of programming for the purposes of section 4:

(Abbreviation of name of language)	For programming in a language other than the official language for which the station was principally licensed.
------------------------------------	--

Live	For live programming, including the first play on the station of live programming produced for delayed presentation.
------	--

R	For recorded or repeat programming on tape or disc, including programming primarily consisting of recorded music or spoken word.
---	--

Net	For programming obtained from networks, to be followed by the name of the network, e.g., Net. CBC.
-----	--

- o the time and duration of each commercial announcement broadcast, the total commercial time in each sponsored program and the name of the sponsor of each such announcement and program
- o the name of the speaker on any talks program and the auspices, if any, under which the talk was given
- o the name of any candidate for public office speaking on a political broadcast and his/her political affiliation, if any
- o the name of every person speaking on a political broadcast on behalf of a political party or candidate together with the name of the party or candidate together with the name of the party or candidate on whose behalf the talk was given.

Every program, advertisement or announcement falls within a certain category. The category must be shown opposite the entry for the program, advertisement or announcement. Schedule II explains the categories. It is too lengthy to reproduce. Reference should be made to it. Where the program falls into more than one category, the two most prominent content categories must be shown. They must be put in the order of their relative importance in terms of broadcast time.

All times must be local time.

(ii) A record of the continuities approved by the Departments of National Health and Welfare or Consumer and Corporate Affairs and broadcast by the stations. These records must contain:

- o the name of the products

- o the name of the advertiser or advertising agency submitting the continuity
  - o the registration number assigned to the continuity by the Commission.
- (iii) Continuities used for commercial announcements approved by the Departments of National Health and Welfare or Consumer and Corporate Affairs must be kept.
- (iv) Tape recordings or other exact copies of all matters broadcast by the station must be kept. In the case of a network, they may be kept at the originating station.

#### DISCLOSURE:

Each station must give the Commission any additional information related to its activities at the request of a representative of the Commission. Records must be produced on request. The record of continuities must also be produced to inspectors under the Food and Drug Regulations.

#### RETENTION PERIOD:

- (i) The logs must be given to the Commission within seven days of the end of each week.
- (ii) Not specified.
- (iii) & (iv) The continuities and tapes must be kept for four weeks from the date of broadcast. If the Commission notifies the station in writing, it may require that the material be kept for eight weeks from the date of broadcast.

#### PENALTY:

Every licensee who violates the provisions of any regulations is guilty of an offence. The fine can be up to \$25,000 for a first offence and \$50,000 for each subsequent offence.

\* \* \*

REGULATIONS: Radio (F.M.) Broadcasting Regulations, ss. 2, 4, 11.

STATUTE: Broadcasting Act, s. 29.

DEPARTMENT: Canadian Radio-television and Telecommunications Commission.

#### APPLICATION:

These regulations apply to all persons licensed to operate an F.M. station and to all matter broadcast by such stations. Station is defined as a broadcasting transmitting undertaking that broadcasts sound only and is operated by a licensee

and includes such undertakings owned by the Canadian Broadcasting Corporation. Station does not include an undertaking that only rebroadcasts the signal of another station.

#### RECORDS WHICH MUST BE KEPT:

(i) Each station must keep a program log. The form must be acceptable to the Canadian Radio-television and Telecommunications Commission. Each day the following information must be recorded:

- o the date
- o the call letters, location and frequency of the station
- o the times at which station identification announcements were made.
- o the title and a brief description of each program broadcast, the name of the sponsors, if any, the time at which the program commenced and concluded and the appropriate code word or letter set out in Schedule I showing the language or origin of the program.

#### SCHEDULE I

##### Language, Format and Origin of Programming

The following code words or letters are to be used to indicate language, format and origin of programming for the purposes of section 4:

Live	For live programming, including the first play on the station of live programming produced for delayed presentation.
FF	For time segments in which the matter being broadcast is in a foreground format.
R	For recorded or repeat programming on tape or disc, including programming primarily consisting of recorded music or recorded spoken word.
Net	For programming obtained from networks to be followed by the name of the network, e.g., Net. CBC.
(Abbreviation of name of language)	For programming in a language other than the official language for which the station was principally licensed.

- o the time and duration of each commercial announcement broadcast, the total commercial time in each sponsored program and the name of the sponsor of each such announcement and program
- o the name of the speaker on any talk program and the auspices, if any, under which the talk was given



- o the name of any candidate for public office speaking on a political broadcast and his/her political affiliation, if any
- o the name of every person speaking on a political broadcast on behalf of a political party or candidate together with the name of the party or candidate on whose behalf the talk was given
- o the time of the commencement and conclusion of any time segment in which the matter being broadcast is in a foreground format and the code letters set out in Schedule I showing that format. See Schedule I, above.

Every program, advertisement or announcement falls within a certain category. The category must be shown opposite the entry for the program, advertisement or announcement. Schedule II explains the categories. It is too lengthy to reproduce. However, reference should be made to it. Where the program falls into more than one category, the two most prominent content categories must be shown. They must be put in the order of their relative importance in terms of broadcast time.

All times must be local time.

(ii) The continuity used for any commercial announcement approved by the Departments of National Health and Welfare or Consumer and Corporate Affairs and a tape recording or other exact copy of all matter broadcast by the station must be kept.

(iii) Records of all continuities approved and broadcast must contain the following information:

- o the names of the products
- o the names of the advertiser or advertising agency submitting the continuity
- o the registration number assigned to the continuity by the commission.

#### DISCLOSURE:

Each station must give the Commission any additional information related to its activities at the request of a representative of the Commission. Records must also be presented for inspection at the request of a representative of the Commission.

#### RETENTION PERIOD:

(i) The logs must be given to the Commission within seven days of the end of each week.

(ii) The tapes and continuities must be kept for four weeks from the date of broadcast. If the Commission notifies the station in writing, it may require that they be kept for eight weeks from the date of broadcast.

(iii) Not specified.

**PENALTY:**

Every licensee who violates the provisions of any regulations is guilty of an offence. The fine can be up to \$25,000 for a first offence and \$50,000 for each subsequent offence.

\* \* \*

**REGULATIONS:**     Cable Television Regulations, s. 12.

**STATUTE:**         Broadcasting Act, s. 29.

**DEPARTMENT:**     Canadian Radio-television and Telecommunications  
Commission.

**APPLICATION:**

These requirements apply to licensees providing community programming on a community channel.

**RECORDS WHICH MUST BE KEPT:**

(i) Every licensee must keep a program log. The form must be acceptable to the Canadian Radio-television and Telecommunications Commission. Each day the following information must be recorded:

- o the date
- o the designation of the community channel
- o the title, name of the producer, a brief description and the duration of each program distributed on its community channel
- o the times at which:
  - o announcements promoting services that the licensee is licensed to provide
  - o public service announcements
  - o announcements promoting programs transmitted by Canadian stations
  - o channel identification announcementsare made and their duration.

(ii) The audio reproduction of all programming distributed on its community channel.

DISCLOSURE:

The program logs must be furnished to a representative of the CRTC on request.

RETENTION PERIOD:

(i) The program logs must be kept for four weeks from the date of distribution of the community programming. At the request of the Commission, the logs must be kept for eight weeks from the date of distribution.

(ii) The audio reproductions must be kept for four weeks from the date of distribution of the community programming. At the request of the Commission, the logs must be kept for eight weeks from the date of distribution.

PENALTY:

Every licensee who violates the provisions of any regulations is guilty of an offence. The fine can be up to \$25,000 for a first offence and \$50,000 for each subsequent offence.

\* \* \*

REGULATIONS: Television Broadcasting Regulations, ss. 2, 3a, 4, 11.

STATUTE: Broadcasting Act, s. 29.

DEPARTMENT: Canadian Radio-television and Telecommunications Commission.

APPLICATION:

These requirements apply to all stations and networks in Canada and to all matter broadcast by such stations and networks. Station is defined as any television station licensed under the Radio Act as a private commercial broadcasting station, and includes stations owned by the Canadian Broadcasting Corporation. Network is defined as an organization consisting of a network operator and the stations with which he/she has affiliation agreements.

RECORDS WHICH MUST BE KEPT:

(i) Each station must keep a program log. The form must be acceptable to the Canadian Radio-television and Telecommunications Commission. Each day the following information must be recorded:

- o the dates
- o the call letters, location and channel of the station
- o the times at which station identification announcements were made

- o the title and brief description of each program broadcast, the name of the sponsor or sponsors, if any, the time at which the program began and ended, a notation whether the program was reproduced or was a live origination and a designation indicating Canadian Content classification
- o the time, duration and name of the sponsor of all advertising material, except that in the case of sponsored programs only the total time of advertising material and the name of the sponsor is required to be entered
- o the name of the speaker on any talk program and the auspices, if any, under which the talk was given
- o the name of any candidate for public office speaking on a political broadcast and his/her political affiliation, if any, and
- o the name of every person speaking on a political broadcast on behalf of a political party or candidate together with the name of the party or candidate on whose behalf the talk was given.

Each program must be classified into one of the subclasses listed in Schedule "A". Schedule "A" is too lengthy to reproduce. However, reference should be made to it. All times mentioned in the program logs shall be local time and must be clearly identified in the log, e.g., "Eastern Standard Time", "Central Standard Time".

(ii) The continuity used for any program, commercial message or public service announcement broadcast by the station must be kept.

(iii) The manuscript or audio reproduction of any talk, speech, interview, commentary, editorial, discussion or telephone conversation broadcast by the station must be kept. In the case of a network, they must be kept by the originating station.

(iv) A record of each continuity approved by the Departments of National Health and Welfare or Consumer and Corporate Affairs and broadcast by the station must be kept. This record must show:

- o the name of the product
- o the name of the advertiser or advertising agency submitting the continuity
- o the registration number assigned to the continuity by the Commission.

#### DISCLOSURE:

(i) Not specified.

(ii) & (iii) The continuities, manuscripts and audio reproductions must be produced at the request of a representative of the Commission. Stations must furnish any additional information related to their activities at the request of these representatives.



(iv) This record must be shown at the request of a representative of the Commission or an inspector under the Food and Drug Regulations.

RETENTION PERIOD:

(i) The logs must be given to the Commission within seven days of the end of each week.

(ii) & (iii) Unless otherwise instructed by the Commission, the continuities, manuscripts and audio reproductions must be kept for four weeks from the date of broadcast.

(iv) Not specified.

PENALTY:

Every licensee who violates the provisions of any regulations is guilty of an offence. The fine can be up to \$25,000 for a first offence and \$50,000 for each subsequent offence.

\* \* \*

## CONSTRUCTION

The federal government has jurisdiction over certain aspects of the construction industry. Regulations and statutes requiring records to be kept govern anyone who enters into a contract with the federal government, and any construction in National Parks.

### CONSTRUCTION IN NATIONAL PARKS:

National Parks Building Regulations, (National Parks Act) ..... 92

### CONSTRUCTION OF FEDERAL WORKS:

Clean Air Act ..... 93

Fair Wages and Hours of Labour Regulations, (Fair Wages and Hours of Labour Act) ..... 93

\* \* \*

REGULATIONS: National Parks Building Regulations, ss. 2, 3, 9.

STATUTE: National Parks Act, s. 8.

DEPARTMENT: Environment

### APPLICATION:

These requirements apply to every holder of a permit to build in a National Park.

### RECORDS WHICH MUST BE KEPT:

A copy must be kept of the plans and specifications regarding the building for which the permit was issued.

### DISCLOSURE:

Plans and specifications must be available for inspection on the construction site.

### RETENTION PERIOD:

Not specified.

### PENALTY:

Every person who fails to comply with these regulations is liable on summary conviction to a fine not exceeding \$500.

\* \* \*

STATUTE: Clean Air Act, ss. 15, 22, 28, 34.

DEPARTMENT: Environment

DISCLOSURE:

This Act does not require records to be kept. It gives inspectors designated by the Minister of the Environment the right to enter any place, area or premises that are part of a federal work, undertaking or business. They may not enter a private dwelling place.

Inspectors may enter if they reasonably believe there is being or has been carried on any activity:

- o that may result in or has resulted in the emission into the air of a contaminant
- o involving the alteration, extension or construction of federal works to determine whether any plans and specifications submitted to an inspector under this Act are being complied with
- o involving the importing of fuel containing any element or additive in a concentration exceeding the prescribed limits.

Inspectors may require any person to produce for inspection any books, documents or papers regarding the requirements under this Act. Inspectors may make copies of or take extracts from these books, documents or papers.

PENALTY:

Every person who obstructs or hinders an inspector or makes a false statement is guilty of an offence punishable on summary conviction by a fine not exceeding \$500 or six months imprisonment or both.

\* \* \*

REGULATIONS: Fair Wages and Hours of Labour Regulations, ss. 2, 3, 11, 14.

STATUTE: Fair Wages and Hours of Labour Act, ss. 2, 6.

DEPARTMENT: Labour

APPLICATION:

These requirements apply to any person who enters into a contract with the Government of Canada to construct, remodel, repair or demolish any work, and any person who sub-contracts with any person who has entered into a contract with the Government of Canada to construct, remodel, repair or demolish any work.

#### RECORDS WHICH MUST BE KEPT:

In all cases the contractor or sub-contractor must keep records showing:

- o the names, addresses and classifications of employment and work of all workmen employed in work under a contract
- o the rate of wages, wages paid and daily hours worked by these workmen.

#### DISCLOSURE:

Books, records and premises must be open at all reasonable times for inspection by the Minister of Labour, a fair wage officer or any other person designated by the Minister.

At the request of any of these people, the contractor and sub-contractor must produce any further information regarding:

- o wages
- o hours of work, and
- o other labour conditions.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

The contractor will not be paid for the work done until he/she has made a sworn statement that he/she has kept the books and records required by these regulations.

\* \* \*



## FINANCIAL INSTITUTIONS

### REQUIREMENTS COMMON TO MOST FINANCIAL INSTITUTIONS:

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<u>Regional Development Incentives Regulations, (Regional Development Incentives Act)</u> .....	97

### BANKS:

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### COOPERATIVE ASSOCIATIONS:

<u>Canada Cooperative Associations Act</u> .....	100
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### GRAIN EXCHANGES/CLEARING HOUSES

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### INSURANCE COMPANIES

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REGULATIONS: National Housing Loan Regulations, ss. 2, 49.

STATUTE: National Housing Act, ss. 2, 16, 17, 18.

DEPARTMENT: Regional Economic Expansion

APPLICATION:

These requirements apply to every:

- o loan company
- o insurance company
- o trust company
- o trustee of trust funds
- o building society
- o credit union
- o any other cooperative credit society authorized to lend money on the security of real or immovable property
- o bank

making a loan pursuant to the provisions of the National Housing Act.

RECORDS WHICH MUST BE KEPT:

The company must agree to maintain separate books, records and accounts relating to loans made under the Act.

DISCLOSURE:

An authorized representative of the Canada Mortgage and Housing Corporation must be granted access to these records at any reasonable time.

RETENTION PERIOD:

Not specified.

PENALTY:

Not specified.

REGULATIONS: Regional Development Incentives Regulations, s. 25(1)

STATUTE: Regional Development Incentives Act, s. 15(H)

DEPARTMENT: Regional Economic Expansion

APPLICATION:

These requirements apply to any bank, trust company or other financial institution that finances a development incentive (i.e., acts as lender).

RECORDS WHICH MUST BE KEPT:

The following information must be furnished to the Minister semi-annually or at such shorter intervals as may be specified in the loan guarantee agreement. By implication, therefore, continuing records containing this information must be kept.

The report (and therefore the records) must contain:

- o the amount and date of any advances made under the loan
- o the amount and date of any payment received on account of principal and interest on the loan
- o any amount due on the last day of the month
- o the amount and type of insurance carried on the facility or commercial facility.

DISCLOSURE:

As mentioned above, the information must be submitted to the Minister semi-annually, in the form of a report.

RETENTION PERIOD:

Not specified.

PENALTY:

Not specified.

\* \* \*

STATUTE: Bank Act, ss. 4, 26, 45, 74, 94, Schedule A.

DEPARTMENT: Finance

APPLICATION:

The Bank Act applies to those banks named in Schedule A of the Act. These are as follows:

- o Bank of Montreal
- o The Bank of Nova Scotia
- o The Toronto Dominion Bank
- o La Banque Provinciale du Canada
- o Canadian Imperial Bank of Commerce
- o The Royal Bank of Canada
- o Banque Canadienne Nationale
- o The Mercantile Bank of Canada
- o Bank of Western Canada
- o Bank of British Columbia
- o La Banque Populaire
- o Unity Bank
- o Canadian Commercial and Industrial Bank
- o Northland Bank
- o Continental Bank

RECORDS WHICH MUST BE KEPT:

- (i) A register of shareholders must be kept containing, for each shareholder;
- o name
  - o post office address
  - o number of shares held

The directors may appoint an agent to maintain the register of shareholders.



(ii) A register of transfers in which:

- o transfers may be made or recorded and
- o transmissions of shares may be recorded.

Wherever a register of transfers is kept, the Bank must also maintain an extract from the register of shareholders showing the name, address and number of shares held for each shareholder who holds shares having an aggregate par value in excess of \$5,000.

Any of the registers of transfers may be discontinued at any time but one register must be maintained at all times.

The directors may appoint agents to maintain any register of transfers.

(iii) A record of the attendance at each director's meeting. A summary of this record for a period of twelve months ending not more than sixty days before the notice, showing the total number of meetings held and the number attended by each director, should be sent with the notice of the annual general meeting to every shareholder.

(iv) All books, records, documents, vouchers, paid instruments and papers, that are dated or came into existence or contain entries or writings made, must be kept for fifteen years.

#### DISCLOSURE:

The Inspector General of Banks may, at such time as he/she deems it necessary but at least once a year, conduct an investigation into the affairs of any Bank in Canada. In the conduct of this examination the Inspector or his/her authorized representative has the right of access to the books, minutes, accounts, securities, cash documents and vouchers maintained by the Bank and is entitled to require the officers of the Bank to produce any information he/she requires.

In addition, an inspector has all the powers of a Commissioner under Part II of the Inquiries Act.

#### RETENTION PERIOD:

The bank may destroy books, records, documents, vouchers, paid instruments and papers in its possession where they are dated, were in existence or contain entries or writings made more than fifteen years prior to the destruction.

Exception: Where a bank has transferred the unclaimed balance of an amount owing under a debt or instrument to the Bank of Canada, all signature cards and signing authorities relating to the instrument under which the Bank was liable must be retained until the Bank of Canada notifies the Bank that they are no longer required.

All permanent records (corporate records) must be kept indefinitely.

**PENALTY:**

Every director, officer or employee of a bank who negligently prepares a statement or document containing any false or misleading information, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years.

Every director, officer or employee of a bank who knowingly prepares or signs any account, statement or return required to be made which contains false or deceptive information, is guilty of an indictable offence punishable by imprisonment for a term not exceeding five years.

\* \* \*

**STATUTE:** Canada Cooperative Associations Act, ss. 92, 93, 96, 97, 98, 99, 100, 101, 104, 113.

**DEPARTMENT:** Consumer and Corporate Affairs

**APPLICATION:**

These requirements apply to:

- o every association incorporated under the Canada Cooperative Associations Act
- o every cooperative association continued under the CCAA
- o every cooperative association, with or without share capital previously incorporated under an Act of Parliament and now continued under the CCAA
- o every amalgamated association continued under the provisions of s. 120 of the CCAA.

**RECORDS WHICH MUST BE KEPT:**

- (i) A copy of the articles of the association or application for continuation and the certificate of incorporation or continuation.
- (ii) All bylaws of the corporation and any supplementary articles of association.
- (iii) The names of all the members of the association arranged alphabetically or in order of membership number.
- (iv) The address and occupation of every member of the association.
- (v) The names, addresses and occupations of all the directors of the corporation and the date on which they became or ceased to be directors.
- (vi) The number of shares of each class held by each member.

(vii) The amounts paid and the amounts remaining unpaid on the membership or shares of each member.

(viii) A register of transfers must be kept by the secretary of the association or an agent appointed for that purpose. This register must contain particulars of every transfer of a membership or shares of the association.

Unless otherwise specified in the bylaws of an association, the transfer register should be kept at the head office of the association. One or more branch registers may be kept at such places as are designated by the directors.

If the transfer register is maintained by an agent, it may be kept at the established place of business of that agent. Further, if the books required to be maintained for each shareholder (name, address, occupation, number of shares held and amounts paid and outstanding) are maintained by an agent, they too may be kept at the agent's established place of business.

(ix) A register of mortgages should be kept by every association in which should be entered:

- o all mortgages and charges
- o particulars of all mortgages or charges affecting property of the association.

In every case, the description of the mortgage or charge should contain:

- o a short description of the property mortgaged or charged
- o the amount of the mortgage or charge
- o for all securities other than bearer securities, the names and addresses of the mortgagees or the persons entitled unless these names are entered in a register of debenture holders.

(x) The minutes of all proceedings at the meeting of directors, members or at any executive committee of the directors should be entered in a book kept for that purpose.

(xi) Proper accounting records with respect to the financial and other transactions of the corporation must be kept. These must include the following information:

- o all monies received or disbursed by the association and the matters in respect of which they were disbursed or received
- o all sales and purchases by the association
- o all assets and liabilities of the association
- o all transactions affecting the financial position of the association.

All the records described above should be kept at the head office of the corporation in Canada or at such other place as the directors, by resolution, specify.

#### DISCLOSURE:

The auditor of the association is entitled to access at all times to the books, records, documents, vouchers and accounts of the association.

The accounting records of the association must be open for inspection by the directors of the association at all times.

The books required to be maintained by the secretary of the association (see i through vii, above) and the transfer register must be open to inspection during the reasonable business hours of the association by:

- o members
- o creditors
- o the personal representatives of either of the above
- o judgement creditors of members.

Any director, officer or employee of the association who denies any of the above-mentioned persons access to these records is liable, on summary conviction, to a fine not exceeding \$200.

The Minister of Finance, where he/she has reason to believe an association is no longer carrying on its business on a cooperative basis or where he/she believes such action would be in the best interests of the members of the association, may appoint an administrator who may undertake such examinations and inspections of the affairs of the association as he/she deems appropriate.

#### RETENTION PERIOD:

Permanently.

#### PENALTY:

Any association that fails to maintain the books and records required by the CCAA is guilty of an offence and liable on summary conviction to a fine not exceeding \$20 a day.

Any director, officer or employee of the association, who refuses or fails to permit the books of the association to be inspected by an authorized person, is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$200.

Any person who hinders an administrator in the execution of his/her duties or makes a false or misleading statement is guilty of an offence punishable on summary conviction by a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both.



REGULATIONS: Protection of Securities (Cooperative Credit Associations) Regulations, ss. 2, 3.

STATUTE: Cooperative Credit Associations Act, ss. 2, 3.

DEPARTMENT: Finance

#### APPLICATION:

These requirements apply to every cooperative credit association incorporated by special act or letters patent issued under the Cooperative Credit Associations Act.

A cooperative credit association is defined as a cooperative organization the objects of which include the making of loans to and the receiving of deposits from its members.

#### RECORDS WHICH MUST BE KEPT:

(i) A shareholders register must be kept containing the following information:

- o the names, alphabetically arranged, of all persons who are or have been members
- o their addresses
- o the number of shares held by each member
- o the amounts paid in and the amounts remaining unpaid on the shares of each member.

(ii) A share transfer register containing the following information:

- o all transfers of shares, in the order of their presentation for entry with the date and other particulars of the transfer and the date of the entry.

(iii) A record of the directors of the association, containing the following information:

- o the names and addresses and occupations of all persons who have become directors and the date on which they became or ceased to be directors.

(iv) A current record of the serial number, registration number or other specific identification of every security of the company.

#### DISCLOSURE:

The shareholders and creditors of the association and their agents and legal representatives may examine the records described above during the normal business hours of the association.

The Superintendant appointed under the Act may examine the affairs of a cooperative credit association when he/she deems it necessary and, pursuant to this examination, inspect the books of the association. The Superintendant must be granted this access and given any additional assistance he/she may require.

RETENTION PERIOD:

Permanently.

PENALTY:

Every director, officer and servant of an association who does not permit the shareholders, creditors or their legal representatives access to the books of the association is guilty of an offence punishable on summary conviction by a fine not exceeding \$50.

Every director, officer or servant of the association who refuses to grant the Superintendant access to the association's books and records is guilty of an offence punishable on summary conviction by a fine not exceeding \$500.

\* \* \*

REGULATIONS: Grain Futures Regulations, ss. 4, 5.

STATUTE: Grain Futures Act, ss. 2, 5, 12.

DEPARTMENT: Agriculture

APPLICATION:

The records retention requirements described below apply to the following associations and their members:

- o Winnipeg Commodity Exchange
- o Winnipeg Commodity Clearing House
- o Lake Shipper's Association
- o Vancouver Grain Exchange
- o British Columbia Grain Shipper's Clearance Association.

RECORDS WHICH MUST BE KEPT:

Records must be kept of all purchase and sale records and all books relating to each transaction in grain futures. These must include all records and books required to be maintained under the bylaws, rules and regulations of the exchange.

DISCLOSURE:

The Supervisor appointed by the Board of Grain Commissioners may examine the books and records required to be maintained by any exchange or clearing house at any time during the normal business hours of the exchange.

RETENTION PERIOD:

Four years.

PENALTY:

Every officer or servant of the above-mentioned associations who:

- o fails or refuses to admit the Supervisor to the premises of the exchange or clearing house
- o refuses to permit him/her to examine the books and records of the exchange or clearing house
- o obstructs the Supervisor in any manner during the performance of his/her duties

is liable, on summary conviction, to a fine not exceeding \$100 and, in default of payment, to imprisonment for one month.

Every person who is guilty of a breach of any other provision of the Act or Regulations is liable, on summary conviction, to a fine not exceeding \$1,000.

\* \* \*

REGULATIONS: Protection of Securities (Insurance Companies) Regulations, ss. 2, 3.

STATUTE: Canadian and British Insurance Companies Act, s. 132.

DEPARTMENTS: Finance, Consumer and Corporate Affairs

APPLICATION:

These requirements apply to every British Insurance Company licensed to operate in Canada pursuant to Part VIII of the Canadian and British Insurance Companies Act.

It should be noted that certain types of insurance business may be transacted in Canada by British insurance companies without the license specified above. The Act, and therefore the following requirements, do not apply to:

- o any British company in respect of its business of marine insurance carried on in Canada

- o any British company which insures against injury, loss or other damage caused by nuclear energy to the extent that such insurance is not available in Canada
- o any British company in respect of the fire insurance it may underwrite on property situated in Canada so long as that company:
  - o does not advertise its business in Canada
  - o does not maintain an office in Canada for the receipt of applications or the transacting of business.
- o to any British company not registered under the Act in respect of the collection of premiums on or other business relating to a person who was not resident in Canada when the policy was issued.

#### RECORDS WHICH MUST BE KEPT:

- (i) A current record must be kept of the serial number or registration number of or other specific identification of every security of the company.
- (ii) Records must be kept containing sufficient information to enable the Chief Agent to prepare a statement of Canadian business.

For a company which does not issue policies signed or countersigned by a resident agent or an official at a branch office in Canada, the records will be deemed adequate if they exhibit:

- o insurance written and in force, including cancellations and gross premium deposits made
- o dividends or refunds of unabsorbed premium deposits made or credited to policyholders in Canada
- o losses incurred and paid to policyholders in Canada
- o all assets in Canada.

#### DISCLOSURE:

The Superintendent appointed under this Act may examine the books, vouchers and other receipts of the company relating to its business in Canada. The purpose of this examination must be the verification of the information submitted in the statement of Canadian business. The Superintendent may alter the statement in light of any information found in the examination of the books and records of the company.

#### RETENTION PERIOD:

Permanently.



**PENALTY:**

Any company or person who fails to comply with any of the regulations or requirements outlined above is liable, for each non-compliance, to a fine of not less than \$20 and not more than \$5,000. Failure to comply with an order of the Superintendent or the Minister is similarly punishable.

\* \* \*

**REGULATIONS:** Protection of Securities (Insurance Companies) Regulations, ss. 2, 3.

**STATUTE:** Canadian and British Insurance Companies Act, ss. 15, 23.

**DEPARTMENT:** Finance

**APPLICATION:**

These requirements apply to every insurance company incorporated by special Act of Parliament.

**RECORDS WHICH MUST BE KEPT:**

(i) A shareholder register containing the following information for each shareholder:

- o the names, alphabetically arranged, of all persons who are or have been shareholders
- o the address and occupation of every shareholder
- o the number of shares of stock held by each shareholder
- o the amounts paid in and the amounts remaining unpaid on the stock of each shareholder.

(ii) A stock transfer register, containing the following information:

- o all transfers of stock, in the order of their presentation to the company for registration with the date and particulars of the transfer and the date of entry.

(iii) A directors register, containing the following information:

- o the names, addresses and occupations of all persons who are or have been directors of the company with the date of their appointment and the date they ceased to be a director.

(iv) A current record of the serial number, registration number or other specific identification of every security of the company.

These records should be kept at the head office of the company in Canada except in the case of a shareholders register or share transfer register maintained by an agent, which may be kept at his/her usual place of business.

**DISCLOSURE:**

The books described above must be kept open for inspection by:

- o the shareholders
- o the creditors of the company
- o the personal representatives of either of the above
- o in the case of life insurance companies, participating policyholders

at any time during the normal business hours of the company.

The Superintendent appointed under the Act may conduct an examination of the affairs of the company and in the conduct of this examination, request the production of all relevant books, records and documents.

**RETENTION PERIOD:**

Permanently.

**PENALTY:**

Every company that refuses to keep its books open for inspection is guilty of an offence and liable to a fine of \$50 a day for each day their refusal continues.

Every director, officer or servant of a company who:

- o knowingly makes a false entry in any record required to be kept by the company
- o refuses or wilfully neglects to make any entry
- o refuses to exhibit the books or to allow any authorized person to examine the books of the company
- o is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

\* \* \*

STATUTE: Foreign Insurance Companies Act, s. 24.

DEPARTMENT: Finance

#### APPLICATION:

These requirements apply to every foreign insurance company licensed to carry on business in Canada under the Foreign Insurance Companies Act.

It should be noted that there are circumstances under which a foreign insurance company may transact business in Canada without obtaining a license to do so. The Act does not extend to:

- o any company in respect of its business of marine insurance carried on in Canada
- o any company which insures against injury, loss or damage caused by nuclear energy, to the extent that such insurance is not available in Canada
- o any company in respect of fire insurance it may underwrite on properties in Canada so long as that company:
  - o does not advertise its business in Canada
  - o does not maintain an office in Canada for the receipt of applications or the transacting of business.
- o any company not registered under the Act in respect of the collection of premiums on, or other business relating to, a person who was not resident in Canada when the policy was issued.

#### RECORDS WHICH MUST BE KEPT:

The company must, at its chief agency in Canada, keep records and books of account sufficient to enable the preparation of an annual statement of business in Canada.

In the case of a company which does not issue policies signed or countersigned by a resident agent or an official of a branch office in Canada such records will be deemed sufficient if they exhibit:

- o insurance written and in force, including cancellations and gross premiums paid thereon
- o dividends or refunds of unabsorbed premium deposits paid or credited to policyholders in Canada
- o losses incurred and losses paid to policyholder in Canada
- o all assets in Canada.

**DISCLOSURE:**

The Superintendant appointed under the Act may examine the books, vouchers and other receipts of the Company relating to its business in Canada. The purpose of this examination must be the verification of the information submitted in the statement of Canadian business. The Superintendant may alter the statement in light of any information found in the examination of the books and records of the Company.

**RETENTION PERIOD:**

Permanently.

**PENALTY:**

Any company or person that fails to comply with any provision of the Act or Regulations outlined above or with any requirement of the Superintendant or the Minister is liable, for each non-compliance, to a penalty of not less than \$20 and not more than \$5,000.

\* \* \*

STATUTE: Canadian and British Insurance Companies Act, ss. 91(13), 118.

DEPARTMENT: Finance

**APPLICATION:**

These requirements apply to any company registered to transact the business of life insurance, whether alone or in combination with any other type of insurance, and which seeks to implement a plan for the conversion of the company into a mutual company.

**RECORDS WHICH MUST BE KEPT:**

The terms and provisions for the purchase of shares necessary for conversion into a mutual company must be set out in the bylaws of the company.

The company must keep a register and record the offers for sale of shares under the bylaw showing, for each offer:

- o the date the company received the offer
- o the name and address of the shareholder making the offer
- o the number of shares offered by the shareholder and the period fixed for the sale
- o the price at which each share may be purchased



- o the date of purchase and the number of shares purchased
- o the date the offer was withdrawn and the number of shares affected.

NOTE: This is an additional requirement imposed on life insurance companies who are also subject to the requirements described on page 107.

DISCLOSURE:

See the disclosure provisions applicable to insurance companies in Canada on page 108.

RETENTION PERIOD:

Permanently.

PENALTY:

Any company which fails to maintain the register as required is liable to a fine of not less than \$20 and not more than \$5,000.

\* \* \*

STATUTE: Investment Companies Act, ss. 3, 10, 11, 12, 13, 14, 15, 37.

DEPARTMENT: Finance

APPLICATION:

The following records retention requirements apply to all investment companies.

RECORDS WHICH MUST BE KEPT:

Investment companies must comply with the record-keeping requirements outlined in the Canada Business Corporations Act. For details of these provisions see pages 33 - 35.

There are, however, certain limitations on the general principle described above. No transfer of shares to a non-resident can be recorded in the share transfer book when a certain percentage of the shares of that class are already held by non-residents. The limitations are described in sections 11 through 15 of the Investment Companies Act.

In addition, the records of the company's operations under the Investment Companies Act must be kept separate from the records of its operations under the Canada Deposit Insurance Corporation Act.

DISCLOSURE:

An Examiner appointed under the Act may, at any reasonable time, enter the offices of an investment company and examine its books, records and documents.

RETENTION PERIOD:

Not specified.

PENALTY:

Every director, officer or employee of an investment company who:

- o wilfully makes any false or deceptive statement in any account, statement or return respecting the affairs of the company
- o uses any false or misleading statement to deceive any person
- o refuses or wilfully neglects to make any proper entry in the books of the company

is guilty of an indictable offence and liable to a fine not exceeding \$5,000 or imprisonment for a term not exceeding five years or both.

Every director, officer or employee of a company who negligently prepares, signs, approves or concurs in any account or statement containing false or misleading information is liable, on summary conviction, to a fine not exceeding \$5,000.

\* \* \*

REGULATIONS: Protection of Securities (Loan Companies) Regulations, ss. 1, 2, 3.

STATUTE: Loan Companies Act, ss. 1, 2, 3, 42, 58, 93, 94, 95, 96.

DEPARTMENT: Finance

APPLICATION:

These requirements apply to every loan company incorporated:

- o by special Act of Parliament or
- o by letters patent issued under the authority of an Act the Parliament.

## RECORDS WHICH MUST BE KEPT:

- (i) A copy must be kept of the instrument of incorporation and all amendments.
- (ii) A shareholders register, containing the following information for each shareholder, must be kept:
  - o name
  - o address
  - o occupation
  - o number of shares held
  - o amounts paid and the amount remaining unpaid on the shares of each shareholder.
- (iii) A share transfer register, containing all transfers in the order presented to the company for entry, with the date and other particulars of the transfer and the date of entry noted.
- (iv) A list of outstanding share warrants.
- (v) A directors' register, containing the following information for each director:
  - o name
  - o address
  - o occupation
  - o date on which he/she became a director or ceased to be a director.
- (vi) A similar register and share transfer book for debenture stock.
- (vii) Where the debentures of the company are payable to registered holders, a register of the names and addresses of the persons holding debentures, the amounts to which they are entitled and the number of debenture certificates must be maintained.
- (viii) A record of all transfers of registered debentures must be kept, in the order in which the debentures were presented to the company. The number assigned to each debenture certificate should also be recorded.
- (ix) Books of account, adequate to enable the preparation of an annual statement must also be kept.
- (x) A current record of the registration, serial number or other specific identification of every security of the company must also be maintained.

The records described above must be kept at the head office of the company. However, if the stockholders' register and the register of transfers are maintained by agents appointed for that purpose, they may be kept at the agent's place of business.

#### DISCLOSURE:

The books and records described above should be open for inspection during the normal business hours of the company by:

- o shareholders
- o creditors
- o personal representatives of either of the above
- o judgement creditors of any shareholder.

The auditor of the company has the right of access at all times to the books, records, accounts, cash securities, documents and vouchers of the company.

The Superintendant appointed under the Act may, at such time as he/she deems it necessary, conduct an investigation into the affairs of a loan company and, in connection with that investigation, request the production of all relevant books, records and documents.

#### RETENTION PERIOD:

Permanently.

#### PENALTY:

Every director, officer or servant of a company who denies a shareholder, creditor or other authorized person access to the books and records of the company or refuses to allow them to take extracts from the records is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$50.

Every director, officer or servant of a company who fails to produce any relevant books, records or documents to the Superintendant is guilty of an offence and liable, on summary conviction to a fine not exceeding \$50 and costs.

Every director, officer or servant of a company who wilfully neglects to make any entry in the books of the company is guilty of an offence and punishable on indictment by imprisonment for a term not exceeding two years.

Every director, officer or servant of a company who makes any wilfully false or deceptive statement is guilty of an indictable offence punishable by imprisonment for a term not exceeding five years.



REGULATIONS: Protection of Securities (Trust Companies) Regulations,  
ss. 2, 3.

STATUTE: Trust Companies Act, ss. 2, 3, 35.

DEPARTMENT: Finance

APPLICATION:

The records retention requirements described below apply to:

- o every trust company incorporated by a special Act of Parliament
- o every trust company incorporated by letters patent issued under the authority of an Act of Parliament.

RECORDS WHICH MUST BE KEPT:

(i) A copy of the special act of incorporation, letters patent or other incorporating instrument with all amendments must be maintained.

(ii) A shareholders ledger, containing the following information for each shareholder:

- o name
- o address
- o occupation
- o number of shares held

must be kept.

(iii) A record of the amount remaining unpaid on the shares of stock of each shareholder.

(iv) A Stock Transfer Report Binder, containing all stock transfers recorded in the order in which they were presented to the company with the date and other particulars.

(v) A list of directors, containing the following information:

- o name
- o address
- o occupation
- o date on which they became and/or ceased to be a director.

These records must be kept at the head office of the trust company in Canada.

However:

- o the records mentioned in (ii), (iii), and (iv) may be kept at the branch offices of the company, or
- o the Stock Transfer Report Binder may be maintained by an agent and kept at his regular place of business.

(vi) The company must keep accounting records in generally accepted form, containing sufficient information to allow the preparation of an annual financial statement. In addition, the books of account respecting liabilities to the public must be kept separately from the other books of account.

(vii) A General Ledger, containing the serial number, registration number or other specific identification of every security of the company must be maintained.

This record must be kept:

- o at the head office, in the case of any security owned by the company in respect of guaranteed trust money
- o in the case of any other security, at the head office or the principal office where the security is maintained.

#### DISCLOSURE:

The books must be open for inspection, during the reasonable business hours of the company to:

- o shareholders
- o creditors
- o the personal representatives of either of the above.

The Superintendent of insurance may, at such time as he/she feels it is warranted, conduct an inquiry into the affairs of the trust company and in the conduct of this inquiry may examine all relevant books, records and documents.

#### RETENTION PERIOD:

Permanently.

#### PENALTY:

Any director, officer or servant of a company who does not permit a shareholder, creditor or their personal representatives access to the records described above is liable, on summary conviction, to a fine not exceeding \$50 and costs.

REGULATIONS: Bankruptcy Regulations, s. 65.

STATUTE: Bankruptcy Act, ss. 13, 173.

DEPARTMENT: Consumer and Corporate Affairs

#### APPLICATION:

These requirements apply to every person authorized to act as a trustee in bankruptcy.

#### RECORDS WHICH MUST BE KEPT:

The trustee must keep proper books and records of the administration of each estate in which should be entered:

- o a record of all monies received or disbursed by him/her
- o a list of all creditors filing claims
- o the amount and disposition of each claim
- o a copy of every notice sent out
- o any resolutions passed at any meeting of creditors or inspectors
- o court orders

and any other information as may be necessary to give a complete account of the administration of the estate.

The Bankrupt must deliver all relevant books, records and documents to the trustee. These records, however, remain the property of the estate and the trustee will be compelled to deliver them upon completion of his or her administration of the estate or his/her discharge.

#### DISCLOSURE:

The books and records of the estate must be open for inspection by the Superintendent (appointed pursuant to the Act), the bankrupt or any creditors or their agents.

#### RETENTION PERIOD:

A trustee who completes the administration of an estate must keep all books, records and documents relating to the administration of the estate for at least six years from the date of his discharge.

However, all title papers relating to real or immovable property, documents under seal and important books and papers must be kept for an additional fourteen years.

**PENALTY:**

Any trustee who fails to comply with the terms of the Act or to perform any act or duty that the court may have directed, is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for six months or both.

\* \* \*



## FISHING AND HUNTING:

This section deals with fishing and sales of fish by the fisherman, services incidental to fishing and hunting. Employers of fishermen should also make reference to the requirements under the Unemployment Insurance Act that apply specifically to them. These requirements are on page 27.

Record retention requirements for businesses engaged in shipping cargo are in the TRANSPORTATION section under Water Transport. These requirements start on page 358.

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REGULATIONS: Atlantic Coast Herring Regulations, ss. 3, 19.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to fishing for herring on the east coast of Canada.

RECORDS WHICH MUST BE KEPT:

The master or operator of every herring fishing vessel of more than twenty-five gross tonnage must keep a daily record of:

- o the estimated weight of the herring caught and
- o the area in which it was caught.

DISCLOSURE:

A copy of this record must be given to the purchaser of the herring at the time of sale. The purchaser must forward that copy and a copy of the sales slip to the Department of Fisheries and Oceans.

Every person licensed to fish for herring must, on request, provide the Department of Fisheries and Oceans with a report of this information. This report must be in the form required by the department, and contain the information requested.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

REGULATIONS: Atlantic Crab Fishery Regulations, ss. 3, 13.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to commercial fishing for snow crabs on the Atlantic Coast.

RECORDS WHICH MUST BE KEPT:

The master or operator of every vessel which is used to fish for snow crabs must keep a daily record of:

- o the total estimated weight of the snow crabs caught and
- o the area in which they were caught.

DISCLOSURE:

A copy of the record of catch must be given to the purchaser of the catch or to a fishery officer at the time of sale.

A purchaser who receives a record of catch must give it to the fishery officer on demand. The purchaser must also give him/her a copy of the sales slip on demand.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

REGULATIONS: Atlantic Fisheries Regulations, ss. 2, 25, 27.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to the master of a vessel weighing more than twenty-five and a half tons gross tonnage or more than 14 metres in overall length who is fishing for any species listed below on the Atlantic Coast:

- o American plaice
- o Argentine
- o Billfish
- o Capelin
- o Cod
- o Dogfish
- o Flounder
- o Greenland halibut
- o Haddock
- o Halibut
- o Herring
- o Mackerel
- o Menhaden
- o Pollock
- o Redfish
- o Red hake
- o Roundnose Grenadier
- o Salmon
- o Scallops
- o Shark
- o Shrimp
- o Silver hake
- o Squid
- o Swordfish
- o Tuna
- o White hake
- o Winter flounder
- o Witch flounder
- o Yellowtail flounder.

RECORDS WHICH MUST BE KEPT:

The master of the vessel must keep a fishing log book approved by the Regional Director-General of the Department of Fisheries and Oceans. All information indicated by the log book must be recorded daily.



**DISCLOSURE:**

Immediately after each fishing trip, a copy of the completed fishing log book record must be forwarded or made available to the Regional Director-General or a fishery officer.

Everyone who buys fish of these species from a vessel must give the Regional Director General or a fishery officer a copy of the sales slip or invoice used to record the purchase.

The fishing log book must remain on board the vessel at all times.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

The Minister may, in addition to any penalties imposed, suspend or cancel:

- o any license issued to that person or
- o a registration certificate in respect of any vessel owned or operated by that person.

\* \* \*

**REGULATIONS:** Coastal Fisheries Protection Regulations, ss. 2, 11.

**STATUTE:** Coastal Fisheries Protection Act, ss. 7, 8.

**DEPARTMENT:** Fisheries and Oceans

**APPLICATION:**

These regulations apply to the master of a foreign fishing vessel. The master is defined as any person having command or charge of a fishing vessel, but does not mean a pilot.

#### RECORDS WHICH MUST BE KEPT:

(i) Depending on the activities authorized by the license, the master of a foreign fishing vessel must keep the following records:

- o fishing effort and catch of the vessel
- o any trans-shipments or other dispositions.

These records must show the quantities, species, size, weight and discards of fish.

(ii) Records must be kept also of:

- o fish taken on board the vessel for transportation
- o processing operations.

This record must show species, quantity and state of processing of the fish taken on board for that purpose.

These records above must be in a form approved by the Minister of Fisheries and Oceans.

#### DISCLOSURE:

When requested, these records must be given to a protection officer or the Regional Director-General of Fisheries Management for the Pacific, Quebec, Maritime or Newfoundland Regions. The records must be sent to the Director-General within sixty days of the expiry of the license.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Every person who fails to comply with these requirements is liable

- o on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or both

OR

- o on indictment to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or both.

\* \* \*

REGULATIONS: Canadian Pacific Halibut Regulations, ss. 2, 3, 9. 10.  
International Pacific Halibut Convention Regulations, ss. 1, 8.

STATUTE: Northern Pacific Halibut Fisheries Convention Act, s. 9.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to persons fishing for halibut in the following areas:

- o territorial waters and high seas off the western coasts of Canada and the United States

unless they are part of a fishing operation for investigative purposes authorized by the International Pacific Halibut Commission.

RECORDS WHICH MUST BE KEPT:

(i) When a halibut fishing licence is issued to a master or operator of a fishing vessel, he/she must:

- o keep a record of all the vessel's fishing operations including the:
  - o date
  - o locality
  - o amount of gear used and
  - o quantity of halibut taken in each locality.

(ii) Any person, firm or corporation that buys or receives halibut from any

- o fishing vessel
- o transporting vessel or
- o other carrier

must keep a record of each purchase or receipt of halibut. This record must show the:

- o date
- o place of purchase or receipt
- o name of the vessel, person, firm or corporation from which the halibut was bought or received and
- o number of pounds of halibut in each trade category.

DISCLOSURE:

(i) Anyone authorized by the International Pacific Halibut Commission may inspect this record.

The Commission or an authorized officer of the Government of Canada may require the:

- o master
- o operator or
- o any person engaged on shares in the operation of the vessel

to make a sworn statement about the accuracy of the record.

(ii) Any protection officer (fishery officer, member of the R.C.M.P., or other person authorized by the Governor in Council) or representative of the International Pacific Halibut Commission may:

- o inspect the record and
- o require the person keeping the record to make a sworn statement about its accuracy.

RETENTION PERIOD:

Two years.

PENALTY:

Every person who fails to comply with these requirements is liable, on summary conviction, to a fine of not less than \$100 and not more than \$1,000 or to imprisonment for not more than one year or both.

\* \* \*

REGULATIONS: Pacific Coast Marine Plant Regulations, ss. 3, 7.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These requirements apply to every person with a license to harvest marine plants in the coastal waters of Canada off the province of British Columbia.



RECORDS WHICH MUST BE KEPT:

A record showing the quantity of each species of marine plant harvested must be kept.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

\* \* \*

REGULATIONS: Bluefin Sport Fishing Regulations, ss. 2, 18.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to anyone fishing for bluefin with a rod, line and hook.

RECORDS WHICH MUST BE KEPT:

Anyone doing so must:

- o keep a record of his/her fishing activities and catch and
- o during the bluefin fishing season, give that record to the Fisheries and Oceans Statistical Branch in the district in which he/she is licensed.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

\* \* \*

REGULATIONS: Fish Inspection Regulations, ss. 2, 3, 15.

STATUTE: Fish Inspection Act, s. 11.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to canneries that produce canned fish for human consumption and

- o import fish from another country or province

OR

- o export fish to another country or province.

RECORDS WHICH MUST BE KEPT:

A cannery meeting these requirements must keep a record of the sterilization treatment used for each batch of fish.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

Keep this record on file at the cannery for at least twelve months.

PENALTY:

Every person who fails to comply with these requirements is punishable on summary conviction and liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or both.

\* \* \*

STATUTE: Fishing and Recreational Harbours Act, ss. 2, 3, 11, 20, 26, 27.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

This Act applies to those using harbours, wharfs, piers, breakwaters, slipways, marinas or other facilities predominantly used by fishing or recreational boats.

It does not apply to property under the jurisdiction of the National Harbours Board.

RECORDS WHICH MUST BE KEPT:

This Act does not require records to be kept. It gives enforcement officers the right to go on board ship and examine log books, documents and papers. Enforcement officers are appointed by the Minister of Fisheries and Oceans.

DISCLOSURE:

When an enforcement officer believes on reasonable grounds that this Act has been violated, he/she may go on board ship or enter any premises to look at the records. He/she may copy the contents. If he/she believes that the Act has been violated, he/she may order the person, vessel or vehicle to leave the harbour.

The Minister of Fisheries and Oceans may order an inquiry. The people conducting it are given the powers of commissioners under the Inquiries Act. This means that the production of log books, documents and papers may be ordered. For more information about inquiries see page 18.

RETENTION PERIOD:

Not specified.

**PENALTY:**

It is an offence to obstruct or hinder an enforcement officer, fail to comply with his/her reasonable requests or knowingly make a false or misleading statement - verbally or in writing.

The penalty for this offence is a fine not exceeding \$25,000 or imprisonment for up to six months or both.

\* \* \*

**REGULATIONS:**    Migratory Birds Regulations, ss. 2, 3, 19, 20, 21, 29, 31.

**STATUTE:**        Migratory Birds Convention Act, ss. 2, 5.

**DEPARTMENT:**    Environment

**APPLICATION:**

These requirements apply to permit holders. Under this Act, migratory birds are defined as the birds, nests and eggs of the birds in any province or in the territorial waters adjacent to that province.

**Migratory game birds:**

- o anatidae or waterfowl, including brant, wild ducks, geese and swans
- o gruidae or cranes, including little brown, sandhill and whooping cranes
- o rallidae or rails, including coots, gallinules and sora and other rails
- o limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, yellowlegs, and
- o columbidae or pigeons, including doves and wild pigeons.

**Migratory insectivorous birds:**

- o bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks, bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tangers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens and all other perching birds which feed entirely or chiefly on insects.

**Migratory non-game birds:**

- o auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters and terns.



## RECORDS WHICH MUST BE KEPT:

During the currency of the permit, the holder of a scientific permit must keep a record of the:

- o number of birds of each species of
- o number of nests or eggs of
- o additional information required by the Minister related to those birds, nests or eggs taken or destroyed.

The holder of an avicultural permit must keep books and records that correctly show, at all times, the:

- o number and species of migratory birds and
  - o number and species of eggs of migratory birds
- in his/her possession.

The holder of a taxidermist permit must keep records showing the:

- o names and numbers of each species
  - o date, place and circumstances of the taking of the birds and eggs
  - o date when the birds and eggs were received
  - o names and addresses of the owners of the birds and eggs, the permit numbers under which they were collected and
  - o the persons from whom they were received by the taxidermist
- for each specimen of migratory birds and eggs received by him/her.

## DISCLOSURE:

In all cases, the holders of these permits must allow a game officer to enter and inspect the premises used in their operations and the books and records kept.

A game officer is appointed by the Minister of the Environment. All members of the Royal Canadian Mounted Police are ex officio game officers.

## RETENTION PERIOD:

Not specified.

**PENALTY:**

It is an offence to fail to keep proper records. If the holder of a permit pleads guilty or is found guilty of this offence, no permit for migratory game bird hunting may be issued for one year from that date and no permit for scientific or avicultural uses may be issued for two years from that date.

The permit held by a taxidermist is not valid if proper books and records are not kept.

\* \* \*

## FORESTRY:

The federal government only imposes records retention requirements on people engaged in one aspect of the forestry industry - every person with a license to cut timber for commercial purposes on an Indian Reserve or other surrendered lands.

\* \* \*

REGULATIONS: Indian Timber Regulations, ss. 20, 21.

STATUTE: Indian Act

DEPARTMENT: Indian Affairs and Northern Development

### APPLICATION:

These requirements apply to any person granted a license to cut timber for commercial purposes on an Indian Reserve or other surrendered lands.

(Indians or Indian Bands are issued permits to cut timber and the records retention requirements for licensees are, therefore, not applicable to them.)

### RECORDS WHICH MUST BE KEPT:

A record of the timber cut (in board measure sawn from logs) and of other timber products cut each month must be kept.

### DISCLOSURE:

Upon request, any licensee must furnish a copy of the record to the Assistant Deputy Minister or anyone authorized by him to inspect the records. The authorized person shall have free access to and be permitted to examine the books and memoranda kept.

### RETENTION PERIOD:

Not specified.

### PENALTY:

The Minister may :

- o suspend the rights of the licensee or
- o declare the license and deposit forfeited

if these requirements are not met.

\* \* \*

## MANUFACTURING:

All manufacturers should check the application sections of statutes and regulations under COMMON REQUIREMENTS to ensure that records retention requirements are being followed. The balance of the requirements under MANUFACTURING are organized by type of product.

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Manufacturers bonded under the <u>Excise Act</u> - <u>Manufacturers in Bond Departmental Regulations, (Excise Act)</u> .....	138
Manufacturers of hazardous products - <u>Hazardous Products Act</u> ...	139
Manufacturers under federal jurisdiction - <u>Clean Air Act</u> .....	140
Plants producing chlorine and alkali metal hydroxide - <u>Chlor-Alkali Mercury Liquid Effluent Regulations, (Fisheries Act)</u> .....	140
Scientific Research and Development - <u>Scientific Research and Development Regulations, (Industrial Research and Development Incentives Act)</u> .....	142

### CHEMICAL AND CHEMICAL PRODUCTS INDUSTRY:

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Licensed dealers of narcotics - <u>Narcotic Control Regulations, (Narcotic Control Act)</u> .....	144
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Manufacturers distributing samples or drugs intended for parenteral use - <u>Food and Drugs Regulations, (Food and Drugs Act)</u> .....	153
Manufacturers of bacille colmetto-guerin vaccine, virus and rickettsial vaccines or preparations from human sources - <u>Food and Drugs Regulations, (Food and Drugs Act)</u> .....	154
Manufacturers of new drugs - <u>Food and Drugs Regulations, (Food and Drugs Act)</u> .....	156
Manufacturers of pest control products - <u>Pest Control Products Regulations, (Pest Control Products Act)</u> .....	158



Manufacturers of Schedule C drugs - <u>Food and Drugs Regulations, (Food and Drugs Act)</u> .....	159
Manufacturers of Schedule D drugs - <u>Food and Drugs Regulations, (Food and Drugs Act)</u> .....	160
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Manufacturers of veterinary biologics - <u>Animal Disease and Protection Regulations, (Animal Disease and Protection Act)</u> .....	163

#### FOOD AND BEVERAGE INDUSTRY:

##### Food:

Fish - Canneries - <u>Fish Inspection Regulations, (Fish Inspection Act)</u> .....	164
Fish - Foreign fishing vessels - <u>Coastal Fisheries Protection Regulations, (Coastal Fisheries Protection Act)</u> .....	165
Maple Products - <u>Maple Products Industry Act</u> .....	166
Turkeys - <u>B.C. Turkey Marketing Board (Interprovincial and Export) Order, (Canada Agricultural Products Marketing Act)</u> .....	167

##### Beverages:

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Denatured Alcohol Regulations, <u>(Excise Act)</u> .....	170

#### PETROLEUM AND COAL PRODUCTS INDUSTRY:

Licensees under the Petroleum Administration Act - <u>Petroleum Administration Act</u> .....	171
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Manufacturers selling gasoline in bulk - <u>Gasoline Excise Tax Regulations, (Excise Tax Act)</u> .....	173
N.W.T. Scrubbing and Absorption Plants - <u>Canada Oil and Gas Drilling and Production Regulations, (Territorial Lands Act)</u> .....	174
Refineries - <u>Petroleum Corporations Monitoring Act</u> .....	175

#### PULP AND PAPER PRODUCTS:

Pulp and Paper Mills - <u>Pulp and Paper Effluent Regulations, (Fisheries Act)</u> .....	176
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TOBACCO PRODUCTS:

Cigar or tobacco manufacturers - <u>Tobacco Departmental Regulations, (Excise Act)</u> .....	181
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TRANSPORTATION PRODUCTS:

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Firearms and Restricted Weapons - <u>Restricted Weapons and Firearms Control Regulations, (Criminal Code)</u> .....	188
Machinery producing radio noise - <u>Radio Interference Regulations, (Radio Act)</u> .....	191
Persons holding permit to employ fulltime electricians in National Parks - <u>National Parks Electrical Regulations, (National Parks Act)</u> ..	192

\* \* \*

STATUTE:           Excise Act, ss. 31, 33, 34, 35, 92, 96, 97.

DEPARTMENT:     National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to every person who carries on a business subject to excise.

RECORDS WHICH MUST BE KEPT:

Stock books and other books containing all information required by regulations under the Excise Act must be kept.

These books must be kept within the licensed premises in which the business is carried on.

These books must be kept in the manner prescribed by departmental regulations.

No erasure may be made in these books. An erasure includes removal of pages, part of a page, or obliteration of words or figures. The only acceptable way of erasing is to put a line through the words or figures in such a way that they can still be read.

All entries concerning quantities of grain must be stated in pounds avoirdupois.

All entries concerning quantities of fluids must be stated in terms of gallons.

**DISCLOSURE:**

During ordinary business hours, and at the request of a collector or any inspector, the person carrying on the business must:

- o produce for inspection and
- o allow copies to be made of and extracts to be taken from

all books, papers, accounts, statements, returns and partnership accounts.

Inspectors may enter memoranda, statements and accounts of quantity in the books, papers and accounts. Entries must be initialed by the person making them.

Even private books, memoranda, papers and accounts may be examined and copies made or have extracts taken from them.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

Every person who refuses to admit a collector or other officer or his or her assistants to the premises is liable:

- o for a first offence, to a fine between \$200 and \$500
- o for subsequent offences, to a fine of \$500
- o for any offence, to a further penalty of \$100 for each day on which the offence was committed.

Every person who fails or neglects (or allows any person acting for him/her or in his/her employ to fail or neglect) to:

- o keep these records and books as required
- o make true and correct entries as required

or who

- o defaces or erases any entry
- o causes or permits any entry to be defaced or erased

- o neglects or refuses to prepare and deliver any inventory or make any return or statement, or to give any information
- o neglects or refuses to produce any book, account, statement or return, private books or accounts which are demanded for the inspection of duly authorized officer (during ordinary business hours)

is guilty of an indictable offence and liable:

- o for a first offence, to a fine between \$50 to \$300
- o for subsequent offences, to a fine of \$500 and double the amount payable under the Act on goods subject to excise.

If articles are seized because the Act has been violated, the inspectors may take possession of and detain any books, papers or accounts relating to the thing seized.

If inadequate entries have been made, the goods or commodities for which the entries have been made or should have been made may be seized.

\* \* \*

REGULATIONS: Manufacturers in Bond Departmental Regulations, s. 6.

STATUTE: Excise Act.

DEPARTMENT: National Revenue (Customs and Excise)

#### APPLICATION:

These requirements apply to manufacturers bonded under the Excise Act. Please note that you must also comply with the requirements under "everyone who carries on a business subject to excise" on page 136.

#### RECORDS WHICH MUST BE KEPT:

Records must be kept containing the following information:

- o the quantities of materials received, taken for use or removed from the premises
- o the quantities of products manufactured
- o the quantities of manufactured products disposed of and the name of the consignee.



DISCLOSURE:

Not specified.

RETENTION PERIOD:

Not specified.

PENALTY:

See the penalty provisions described on pages 137 and 138.

\* \* \*

STATUTE: Hazardous Products Act, ss. 2, 4, 5, 9, 14, Schedule .

DEPARTMENTS: Consumer and Corporate Affairs,  
Health and Welfare co-administers, ss. 9, 10 (Board of  
Review)

This Act does not require records to be kept. It gives inspectors (appointed by the Minister of Consumer and Corporate Affairs) the right to enter any place. The inspector may enter if he/she believes that a hazardous product is manufactured, preserved, packaged, sold or stored for sale. The Schedule to the Hazardous Products Act contains a list of all hazardous products. As the Schedule is lengthy and frequently amended, it has not been included. Reference should be made to it.

The inspector may examine any books, records or other documents that on reasonable grounds he/she believes contain any information about hazardous products. He/she may make copies of and take extracts from these books, records and documents.

It is an offence to obstruct an inspector in the performance of his/her duties. All reasonable assistance must be given. It is also an offence to knowingly make a false or misleading statement verbally or in writing.

These offences are punishable on summary conviction by a fine of \$500 or imprisonment for three months or both.

The Minister may establish a Hazardous Products Board of Review. Those on the board have the powers of commissioners under the Inquiries Act. This means that the production of books, records and other documents may be ordered. For more information see page 18.

\* \* \*

STATUTE: Clean Air Act, ss. 15, 22, 28, 34.

DEPARTMENT: Environment

DISCLOSURE:

This Act does not require records to be kept. It gives inspectors designated by the Minister of the Environment the right to enter any place, area or premises that are part of a federal work, undertaking or business. They may not enter a private dwelling place.

Inspectors may enter if they reasonably believe there is being or has been carried on any activity:

- o that may result in or has resulted in the emission into the air of a contaminant
- o involving the alteration, extension or construction of federal works to determine whether any plans and specifications submitted to an inspector under this Act are being complied with
- o involving the importing of fuel containing any element or additive in a concentration exceeding the prescribed limits.

Inspectors may require any person to produce for inspection any books, documents or papers regarding the requirements under this Act. Inspectors may make copies of or take extracts from these books, documents or papers.

PENALTY:

Every person who obstructs or hinders an inspector or makes a false statement is guilty of an offence punishable on summary conviction by a fine not exceeding \$500 or six months imprisonment or both.

\* \* \*

REGULATIONS: Chlor-Alkali Mercury Liquid Effluent Regulations, ss. 2, 5, 6.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to the owner, operator or his/her authorized agent of a plant which is designed or operated for the production of chlorine and alkali metal hydroxide by means of any industrial process involving the electrolysis of an alkali metal chlorine brine using a mercury cell, and any ancillary equipment that is used for the further concentration of the alkali metal hydroxide produced by the mercury cell and includes all properties used for the operation of those facilities.

The Minister of Fisheries and Oceans may approve a method of treating an effluent to remove mercury which will exempt the plant owner from these regulations. The Minister may also approve a method to protect storm water from contamination, which will exempt the owner from having to take samples from and recording the flow of the storm water.

#### RECORDS WHICH MUST BE KEPT:

(i) The owner of a plant must install and maintain facilities approved by the Minister for sampling and analysing the effluents. An effluent is defined as any water or waters discharged from a plant, storm water, run-off and seepage from land used for the disposition of wastewater and sludges associated with the operation of a plant.

When effluents are deposited into water frequented by fish, the owner must:

- o take a composite sample each day and
- o analyse the sample and
- o accurately and continuously measure and record the flow each day.

(ii) When mercury in effluent is discharged into any place under any condition by seepage or other means and the flow of the effluent cannot be measured and the sample cannot be obtained, the owner must:

- o take a composite sample of the effluent discharged each day and
- o analyse the sample and
- o accurately and continuously measure and record the flow of effluent discharged into the place each day.

#### DISCLOSURE:

Not specified.

#### RETENTION PERIOD:

Twelve months.

#### PENALTY:

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

REGULATIONS: Scientific Research and Development Regulations, ss. 9, 10, 11.

STATUTE: Industrial Research and Development Incentives Act, s. 15.

DEPARTMENT: Industry, Trade and Commerce

#### APPLICATION:

These requirements apply to every corporation that applies for a grant to assist in scientific research and development.

#### RECORDS WHICH MUST BE KEPT:

Records of sufficient detail must be kept to determine:

- o capital expenditures during the grant period on scientific research and development
- o property acquired by an expenditure on scientific research and development
- o eligible current expenditures by the corporation in the grant period
- o the average of eligible current expenditures by the corporation in its base period.

#### DISCLOSURE:

Any person authorized by the Minister of Industry, Trade and Commerce may, at any reasonable time, examine the books of account, vouchers and other documents maintained by the corporation.

#### RETENTION PERIOD:

The corporation must keep all books of account and all documents necessary to verify any entry in each book of account until:

- o written permission for their destruction is obtained from the Minister

OR

- o seven years from the end of the fiscal period to which the books of account relate.

#### PENALTY:

Every person who fails to comply with these requirements is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.



REGULATIONS: Food and Drugs Regulations, G.02.014, G.02.016, G.02.025.

STATUTE: Food and Drugs Act, s. 26

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any dealer licensed to sell controlled (Schedule G) drugs. Schedule G drugs are:

- o Amphetamine and its salts
- o Barbituric acid and its salts and derivatives
- o Benzphetamine and its salts
- o Butorphanol
- o Methamphetamine and its salts
- o Methaqualone and its salts
- o Pentazocine and its salts
- o Phendimetrazine and its salts
- o Phenmetrazine and its salts
- o Thiobarbituric acid and its salts and derivatives.

RECORDS WHICH MUST BE KEPT:

A record containing the following information:

- o name and quantity of any controlled drug received
- o name and address of the person who supplied it
- o the date it was received
- o the name, quantity and form of any controlled drug supplied
- o the name and address of the person to whom it was supplied
- o the date it was supplied
- o the name and quantity of any controlled drug used in manufacturing
- o the name and quantity of any controlled drug manufactured
- o the date any manufactured controlled drug was placed in stock
- o the name and quantity of any controlled drugs in stock at the end of the month

must be kept.

#### DISCLOSURE:

The Minister may require an inspection to be made of the records at any reasonable time. In addition, the inspector may check all stock of controlled drugs on the premises.

As well, the powers of inspection described on pages 150 and 151 also apply here.

#### RETENTION PERIOD:

These records must be retained for two years on the premises described in the license.

#### PENALTY:

Failure to comply with the above is punishable:

- o on summary conviction for a first offence by a fine not in excess of \$500 or imprisonment for a term not exceeding three months or both
- o on summary conviction for a subsequent offence by a fine of not more than \$1,000 or by imprisonment for a term not in excess of six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

\* \* \*

REGULATIONS: Narcotic Control Regulations, ss. 2, 9, 13, 15, 16, 17, 18, 71.

STATUTE: Narcotic Control Act, s. 2.

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to any person who holds a license for the sale, manufacture, production and distribution of a narcotic. The license specifies which of these activities is permitted. It is issued by the Minister of National Health and Welfare.

Narcotics are defined as any substance included in the Schedule to the Narcotic Control Act or anything that contains any substance included in the Schedule. The Schedule is reproduced below:

- o Opium poppy, its preparations, derivatives, alkaloids and salts, including:
  - o Opium
  - o Codeine
  - o Morphine
  - o Thebaine

and their preparations, derivatives and salts, including:

- o Acetorphine
- o Acetyldihydrocode
- o Benzylmorphine
- o Codoxime
- o Desomorphine
- o Diacetylmorphine
- o Dihydrocodeine
- o Dihydromorphine
- o Ethylmorphine
- o Etorphine
- o Hydrocodone
- o Hydromorphone
- o Hydromorphenol
- o Methyldesorphine
- o Methyldihydromorphine
- o Metopon
- o Morphine-N-oxide
- o Myorphine
- o Nalorphine
- o Nicocodine
- o Nicomorphine
- o Norcodeine
- o Normorphine
- o Oxycodone
- o Oxymorphone
- o Pholcodine
- o Thebacon

but not including:

- o Apomorphine
- o Cyprenorphine
- o Naloxone
- o Narcotine
- o Papaverine, and
- o Poppy seed.

o Coca, its preparations, derivatives, alkaloids and salts, including:

- o Coca leaves
- o Cocaine, and
- o Ecgonine

o Cannabis sativa, its preparations, derivatives and similar synthetic preparations, including:

- o Cannabis resin
- o Cannabis (marihuana)
- o Cannabidiol
- o Cannabinol
- o Pyrahexyl and
- o Tetrahydrocannabinol.

o Phenylpiperidines, their preparations, intermediates, derivatives and salts, including:

- o Allyprodine
- o Alphameprodine
- o Alphaprodine
- o Anileridine
- o Betameprodine
- o Betaprodine
- o Benzethidine
- o Diphenoxylate
- o Etoxeridine
- o Fentanyl
- o Futethidine
- o Hydroxypethidine
- o Ketobemidone
- o Methylphenylisonipeconitrile
- o Morpheridine
- o Norpethidine
- o Pethidine
- o Phenoperidine
- o Piminodine
- o Properidine and
- o Trimeperidine

but not including:

- o Carbamethidine
- o Oxpheneridine

o Phenazepines, their preparations, derivatives and salts, including:

- o Proheptazine

but not including:

- o Ethoheptazine
- o Metethoheptazine
- o Metheptazine

o Amidones, their preparations, intermediates, derivatives and salts, including:

- o Dimethylaminodiphenylbutanonitrile
- o Dipipanone
- o Isomethadone
- o Methadone
- o Normethadone and
- o Phenadoxone



- o Methadols, their preparations, derivatives and salts, including:
  - o Acetylmethadol
  - o Alphacetylmethadol
  - o Alphamethadol
  - o Betacetylmethadol
  - o Betamethadol
  - o Dimepheptanol and
  - o Noracymethadol
- o Phenalkoxams, their preparations, derivatives and salts, including:
  - o Dimenoxadol
  - o Dioxaphetylbutyrate

but not including:

  - o Propoxyphene
- o Thiambutenes, their preparations, derivatives and salts, including:
  - o Diethylthiambutene
  - o Dimethylthiambutene and
  - o Ethylmethylthiambutene
- o Moramides, their preparations, intermediates, derivatives and salts, including:
  - o Dextromoramide
  - o Diphenylmorpholinoisovaleric acid
  - o Levomoramide and
  - o Racemoramide
- o Morphinans, their preparations, derivatives and salts, including:
  - o Levomethorphan
  - o Levorphanol
  - o Levophenacylmorphinan
  - o Norlevorphanol
  - o Phenomorphan
  - o Racemethorphan and
  - o Racemorphan

but not including

  - o Dextromethorphan
  - o Dextrorphan
  - o Levallorphan
  - o Levargorphan and
  - o Butorphanol and its salts

- o Benzazocines, their preparations, derivatives and salts, including:
  - o Phenazocine and
  - o Metazocine
- but not including:
  - o Pentazocine and
  - o Cyclazocine
- o Ampromides, their preparations, derivatives and salts, including:
  - o Diampromide
  - o Phenampromide and
  - o Propiram
- o Benzimidazoles, their preparations, derivatives and salts, including:
  - o Clonitazene and
  - o Etonitazene
- o Phencyclidine, its salts and derivatives.

#### RECORDS WHICH MUST BE KEPT:

When narcotics are received:

- o the name and quantity of any narcotic received and
- o the name and address of the person supplying it and
- o the date it was received.

When narcotics are supplied:

- o the name, quantity and form of narcotic supplied and
- o the name and address of the person to whom it was supplied and
- o the date it was supplied.

When narcotics are manufactured or used in manufacturing:

- o the name and quantity of any narcotic used in manufacturing and
- o the name and quantity of any narcotic manufactured and
- o the date it was placed in stock.

In all cases the name and quantity of each narcotic in stock at the end of each month must be recorded. Records must be kept in a manner that allows an audit to be made at any time.

DISCLOSURE:

Dealers must:

- o give the Minister of National Health and Welfare any information about the dealings in narcotics of any person
- o produce to an inspector any books, records or documents that are kept
- o permit an inspector to take extracts from and make copies of books, records or documents and
- o permit an inspector to check all stocks of narcotics located on the premises described in the license.

RETENTION PERIOD:

In all cases, the records must be kept for two years.

PENALTY:

The penalty for violating any provision of the Narcotic Control Regulations is a fine not exceeding \$500 or a term of imprisonment not exceeding six months or both. It is a summary conviction offence.

\* \* \*

REGULATIONS: Food and Drugs Regulations, J.01.023, J.01.024, J.01.025.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any dealer licensed to sell and distribute restricted (Schedule H) drugs. Schedule H drugs are:

- o Lysergic acid diethylamide(LSD) or any salt thereof
- o N.N.-Diethyltryptamine (DET) or any salt thereof
- o N.N.-Dimethyltryptamine (DMT) or any salt thereof
- o 4-Methyl-2, 5-dimethoxyamphetamine (STP(DOM)) or any salt thereof
- o 3,4-Methylenedioxyamphetamine (MDA) or any salt thereof
- o 3-Methoxy-4,5-methylenedioxyamphetamine (MMDA) or any salt thereof
- o N-Menthyl-3-piperidyl benzilate (LBJ) or any salt thereof
- o 2,3-Dimethoxyamphetamine or any salt thereof
- o 2,4-Dimethoxyamphetamine or any salt thereof

- o 2,5-Dimethoxyamphetamine or any salt thereof
- o 2,6-Dimethoxyamphetamine or any salt thereof
- o 3,4-Dimethoxyamphetamine or any salt thereof
- o 3,5-Dimethoxyamphetamine or any salt thereof
- o 4,9-Dihydro-7-methoxy-1-3H-pyrido (3,4-b) indole (Harmaline) and any salt thereof
- o 4,9-Dihydro-1-methyl-3H-pyrido (3,4-b) indol-7-ol (Harmalol) and any salt thereof
- o 4-Methoxyamphetamine or any salt thereof
- o 3-(2-(Dimethylamino) ethyl)-4-hydroxyindole (Psilocin) or any salt thereof
- o 3-(2-(Dimethylamino) ethyl)-4-phosphoryloxyindole (Psilocybin) or any salt thereof
- o 2,4,5-Trimethoxyamphetamine or any salt, isomer, or salt of isomer, thereof
- o 3,4 Methyleneedioxy-N-methylamphetamine or any salt thereof
- o N (1 Phenylcyclohexyl) ethylamine
- o 4 Bromo-2,5-dimethoxyamphetamine

#### RECORDS WHICH MUST BE KEPT:

The following records must be kept:

- o the name, quantity and form of any controlled drug received by the dealer
- o the name and address of the person who supplied the drug
- o the date it was received
- o the name, quantity and form of any controlled drug supplied by him/her
- o the name and address of the person to whom it was supplied
- o the name, quantity and form of any controlled drug used in manufacturing
- o the date any restricted drug manufactured by him/her was placed in stock and
- o the name, quantity and form of any controlled drug in stock.

These records must be kept in such form as will allow an audit to be made from them.

#### DISCLOSURE:

Any of the records described above must be produced, on request, to an authorized inspector. The inspector may make copies of any relevant records.

An inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act



- o require the person in charge to furnish him/her with any information he/she may require.

The person in charge of premises being inspected by a Food and Drugs inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector

RETENTION PERIOD:

Two years.

PENALTY:

Failure to comply with the above is punishable:

- o on summary conviction for a first offence by a fine of \$500 or imprisonment for a term not exceeding three months
- o on summary conviction for a second or subsequent offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, G.02.016, G.02.024.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any licensed dealer supplying controlled (Schedule G) drugs to:

- o a licensed dealer
- o a pharmacist
- o a practitioner
- o a hospital

- o the Regional Director of the Health Protection Branch of the Department of National Health and Welfare
- o a person authorized by the Minister to acquire a controlled drug.

Schedule G drugs are:

- o Amphetamine and its salts
- o Barbituric acid and its salts and derivatives
- o Benzphetamine and its salts
- o Butorphanol
- o Methamphetamine and its salts
- o Methaqualone and its salts
- o Pentazocine and its salts
- o Phendimetrazine and its salts
- o Phenmetrazine and its salts
- o Thiobarbituric acid and its salts and derivatives

**RECORDS WHICH MUST BE KEPT:**

The following records must be kept:

- o the written order authorizing the sale of the controlled drug
- o the order as sent by computer or
- o in the case of a verbal order, a record of the following information:
  - o the name of the person to whom the preparation is to be supplied
  - o if the order is made on behalf of a hospital, the name of the pharmacist in charge of the dispensary or the name of the physician authorized by the hospital to sign such an order
  - o the date the order was received.

**DISCLOSURE:**

See the disclosure provisions on page 150.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or by imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for a term not exceeding three months or both.

REGULATIONS: Food and Drug Regulations, ss. C.01.049, C.01.065, C.01.067, C.01.068.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (a) Any manufacturer who distributes a drug as a sample.
- (b) Any manufacturer of a drug designed for parenteral use.
- (c) Manufacturers of drugs designed for parenteral use where the individual dose recommended exceeds 5 millilitres except:
  - o drugs that are inherently pyrogenic
  - o drugs that cannot be tested for the presence of pyrogens.

RECORDS WHICH MUST BE KEPT:

For (a) a record must be kept showing:

- o the name, address and description of the person to whom the drug was distributed
- o the name, quantity and form of the drug distributed
- o the date upon which each distribution was made

For (b) a record must be kept of:

- o the tests conducted on a representative sample of each lot for identity and sterility and
- o the results of such further tests of representative samples as are necessary to ensure that the drug is safe for use.

For (c) records must be kept of:

- o tests of representative samples in their final containers for the presence of pyrogens.

DISCLOSURE:

An Inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored

- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require the person in charge to furnish him/her with any information he/she may require.

The person in charge of a premises being inspected by a Food and Drugs Inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

For (a) above, two years from the date the distribution was made.

For (b) above, five years.

For (c) above, five years.

PENALTY:

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine of \$500 or by imprisonment for three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, ss. C.04.076, C.04.078, C.04.102, C.04.237.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to everyone who manufactures:

(a) Bacille Colmetto-Guerin Vaccine or



(b) Virus or Rickettsial Vaccines or

(c) Preparations from human sources (i.e., pooled blood plasma, blood serum or fractions of either separated by an approved method).

RECORDS WHICH MUST BE KEPT:

For (a) above:

- o records must be kept of the number of viable organisms in each lot of Bacille Colmetto-Guerin vaccine and
- o continuous clinical records of the use of B.C.G. in humans.

For (b) above, detailed protocols must be kept of:

- o safety
- o sterility
- o identity
- o potency
- o such other tests of each lot as were carried out to ensure that the drug is safe for use.

For (c) above:

- o complete records must be kept of all donors including a certificate from a qualified medical practitioner stating that the donor was in good health at the time the donation was made.

DISCLOSURE:

An Inspector appointed under the Food and Drugs Act may:

- o enter any premises in which a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require the person in charge to furnish him/her with any additional information he/she may require.

The person in charge of premises under inspection by a Food and Drugs inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or imprisonment for a term not exceeding 3 months or both
- o on summary conviction for a second or subsequent offence by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, ss. C.08.005, C.08.007, C.08.008.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (i) Every manufacturer selling a new drug to investigators for the purpose of clinical testing.
- (ii) Every manufacturer who has received a notice of compliance in respect of a new drug submission.

New drugs are defined as:

- (a) a drug that contains or consists of a substance, whether as an active or inactive ingredient, carrier, coating, excipient, menstruum or other component, that has not been sold as a drug in Canada for sufficient time and in sufficient quantity to establish in Canada the safety and effectiveness of that substance for use as a drug,
- (b) a drug that is a combination of two or more drugs, with or without other ingredients, and that has not been sold in that combination or in the proportion in which those drugs are combined in that drug, for sufficient time and in sufficient quantity to establish in Canada the safety and effectiveness of that combination and proportion for use as a drug; or
- (c) a drug, with respect to which the manufacturer prescribes, recommends, proposes or claims a use as a drug, or a condition of use as a drug, including

dosage, route of administration, or duration of action and that has not been sold for that use or condition of use in Canada, for sufficient time and in sufficient quantity to establish in Canada the safety and effectiveness of that use or condition of use of that drug.

#### RECORDS WHICH MUST BE KEPT:

For (i) above, in order to be able to make such a sale, the manufacturer must provide adequate records of any previous distribution of the drug to investigators and the results of their clinical testing. By implication, therefore, such records must be maintained in respect of the sale in question.

For (ii) above, the manufacturer must establish records including adequately indexed and organized files containing:

- (a) animal or clinical experience studies, investigations and tests conducted by the manufacturer or reported to him concerning the new drug
- (b) reports from the scientific literature that is available to him/her concerning the new drug
- (c) any substitution of another substance for that new drug or any mixing of another substance with that new drug
- (d) experience, investigation, studies and tests involving the physical or chemical properties of that new drug
- (e) any errors in labelling the new drug or in the use of labels designed for the new drug
- (f) any bacteriological or any significant chemical, physical or other change or deterioration in any lot of the new drug
- (g) any failure of one or more of the lots to meet the specifications established for that drug in the new drug submission upon which the notice of compliance was issued
- (h) any unexpected side effects, injuries, toxicity or sensitivity reaction associated with the clinical uses, studies, investigations and tests associated with the new drug
- (i) any unusual failure of the drug to produce its usual pharmacological activity.

#### DISCLOSURE:

No manufacturer may sell a new drug unless he/she provides, with respect to all previous sales of that drug, the information noted in "RECORDS WHICH MUST BE KEPT" at the time specified below for each particular piece of information:

With respect to (a) and (b) above, upon request by the Director.

With respect to (c), (d) and (e), immediately upon receipt of the information.

With respect to (f), (g), (h) and (i), as soon as possible and at least within fifteen working days of the receipt of the information.

RETENTION Period:

Not specified.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Pest Control Products Regulations, ss. 2, 26.

STATUTE: Pest Control Products Act, s. 10

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person in whose name a certificate of registration is issued. A certificate of registration is a certificate issued by the Director of the Plant Products Division of the Production and Marketing Branch of the Department of Agriculture. This certificate is issued when the product is named under the Pest Control Products Regulations.

RECORDS WHICH MUST BE KEPT:

A record of all quantities of the product named in the certificate that have been stored, manufactured or sold must be kept.

DISCLOSURE:

This record must be made available to the Director at his or her request at such time and in such manner as the Director may require.

RETENTION PERIOD:

Five years from the time the record is made.

PENALTY:

Every person who fails to comply with these requirements is guilty of an offence punishable:

- o on summary conviction by a fine not exceeding \$500 or imprisonment for six months or both, or
- o on indictment and is liable to imprisonment for two years.

\* \* \*



REGULATIONS: Food and Drugs Regulations, ss. C.03.004, C.03.005, C.03.009.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to:

- (a) anyone manufacturing Schedule C drugs in Canada under a Canadian license.
- (b) anyone manufacturing Schedule C drugs outside Canada under a Canadian license.

#### Schedule C drugs are:

- o liver extract injectable
- o liver extract injectable with other medication
- o liver extract injectable crude
- o liver extract injectable crude with other medication
- o insulin
- o insulin made from zinc-insulin crystals
- o protamine zinc insulin
- o globin insulin with zinc
- o N.P.H. insulin, isophane insulin
- o anterior pituitary extracts
- o radiopharmaceuticals
- o insulin zinc suspension
- o human post menopausal urinary gonadotrophins
- o aprotinin for parenteral use.

#### RECORDS WHICH MUST BE KEPT:

For (a) above, each manufacturer must maintain records in a satisfactory form respecting:

- o the date of manufacture of each lot of the drug and
- o details of the testing and distribution of each lot of the drug.

For (b) above, a representative in Canada whose name should be furnished to the Minister of National Health and Welfare must maintain satisfactory records of the distribution of the drug in Canada.

#### DISCLOSURE:

As a condition of the issuance or continuance of the license to manufacture a Schedule C drug the Minister may require an inspection of the records relevant to the drug at any time during the normal business hours of the manufacturer.

The representative of a company manufacturing Schedule C drugs outside Canada under a Canadian license is subject to the same powers of inspection.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above provisions regarding the maintenance of records or failure to grant a duly authorized inspector access, is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or by imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for a term not exceeding three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, ss. C.04.005, C.04.006, C.04.010, C.04.015, C.04.017.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (a) anyone manufacturing Schedule D drugs in Canada under a Canadian license.
- (b) anyone manufacturing Schedule D drugs outside Canada under a Canadian license.

Schedule D drugs are:

Drugs, other than antibiotics, prepared from micro-organisms, sera and drugs analogous thereto, and antibiotics for parenteral use.

#### RECORDS WHICH MUST BE KEPT:

For (a) above, each manufacturer must keep records for each lot of the drug respecting:

- o its manufacture
- o its testing
- o its distribution

including the date on which each of the above took place.

In addition, all necropsy records of all animals that die or are killed after being used in the production of the drug must be preserved.

All protocols of all tests carried out on the drug prior to its being sold must be preserved.

For (b) above, a representative in Canada (whose name should be supplied to the Minister) must keep satisfactory records of the distribution of the drug in Canada.

#### DISCLOSURE:

As a condition of the issuance or continuance of a licence to manufacture Schedule D drugs, the Minister may require an inspection of the records relevant to the drug at any time during normal business hours.

The Canadian representative of a foreign manufacturer of Schedule D drugs is subject to the same powers of inspection described above.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply with the above provisions is punishable:

- o on summary conviction for a first offence by a fine of \$500 or by imprisonment for three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for a term not exceeding three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, s. C.05.065.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to every manufacturer of Schedule E drugs. Schedule E drugs are:

Sensitivity discs and tablets (absorbent material or tablets impregnated with one or more active ingredients consisting of antibiotics, sulphonamides and any salt, homologue or derivative thereof, or other preparations that possess inhibitory action on the growth of micro-organisms).

#### RECORDS WHICH MUST BE KEPT:

Records in satisfactory form respecting the manufacture, testing and distribution of each lot of sensitivity discs or tablets manufactured must be maintained.

#### DISCLOSURE:

These records must be made available to the Minister on request.

In addition, an inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require any person in charge to furnish him/her with any information he/she may require.

The person in charge of a premises being inspected by a Food and Drug Inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

#### RETENTION PERIOD:

Not specified.



**PENALTY:**

Failure to comply with any of the provisions outlined above is punishable:

- o on summary conviction for a first offence by a fine not in excess of \$500 or by imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or imprisonment for three years or both.

\* \* \*

**REGULATIONS:** Animal Disease and Protection Regulations, s. 129.

**STATUTE:** Animal Disease and Protection Act, s.48.

**DEPARTMENT:** Agriculture

**APPLICATION:**

These requirements apply to every holder of a product license issued by the Minister to manufacture a veterinary biologic.

Veterinary Biologic: any substance or mixture of substances derived from animals, helminths, protozoa or micro-organisms, manufactured, sold or represented for use in:

- (a) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state or the symptoms thereof, in animals or
- (b) restoring, correcting or modifying organic functions in animals.

**RECORDS WHICH MUST BE KEPT:**

Records must be kept respecting the:

- o preparation
- o manufacture
- o preservation
- o storage
- o testing
- o sale
- o distribution

of any veterinary biologic manufactured by him/her.

DISCLOSURE:

These records must be made available for inspection upon the request of a veterinary inspector.

RETENTION PERIOD:

These records must be kept for at least two years following the expiration date of the veterinary biologic.

PENALTY:

Failure to produce the records for inspection is an offence punishable on summary conviction by a fine not exceeding \$500 or imprisonment for a term not in excess of six months or both.

\* \* \*

REGULATIONS: Fish Inspection Regulations, ss. 2, 3, 15.

STATUTE: Fish Inspection Act, s. 11.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to canneries that produce canned fish for human consumption and

- o import fish from another country or province or
- o export fish to another country or province.

RECORDS WHICH MUST BE KEPT:

A cannery meeting these requirements must keep a record of the sterilization treatment used for each batch of fish.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

This record must be kept on file at the cannery for at least twelve months.

PENALTY:

Every person who fails to comply with these requirements is punishable on summary conviction and liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both.

\* \* \*

REGULATIONS: Coastal Fisheries Protection Regulations, ss. 2, 11.

STATUTE: Coastal Fisheries Protection Act, ss. 7, 8.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

These regulations apply to the master of a foreign fishing vessel. The master is defined as any person having command or charge of a fishing vessel, but does not mean a pilot.

RECORDS WHICH MUST BE KEPT:

(i) Depending on the activities authorized by the license, the master of a foreign fishing vessel must keep the following records:

- o fishing effort and catch of the vessel
- o any trans-shipments or other dispositions.

These records must show the quantities, species, size, weight and discards of fish.

(ii) Records must be kept also of:

- o fish taken on board the vessel for transportation
- o processing operations.

This record above must show species, quantity and state of processing of the fish taken on board for that purpose.

These records must be in a form approved by the Minister of Fisheries and Oceans.

DISCLOSURE:

When requested, these records must be given to a protection officer or the Regional Director-General of Fisheries Management for the Pacific, Quebec, Maritime or Newfoundland Regions. The records must be sent to the Director-General within sixty days of the expiry of the licence.

RETENTION PERIOD:

Not specified.

**PENALTY:**

Every person who fails to comply with these requirements is liable

- o on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one month or both or
- o on indictment to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or both.

\* \* \*

**STATUTE:** Maple Products Industry Act, ss. 2, 3, 6, 7, 9, 10, 14, 15, 17.

**DEPARTMENTS:** Agriculture, Consumer and Corporate Affairs

**APPLICATION:**

These requirements apply to anyone carrying on the business of buying maple products and packing, bottling or treating them in any way before selling them again. Maple products are defined as any product or preparation prepared directly or indirectly from the sap of the maple.

**RECORDS WHICH MUST BE KEPT:**

Every owner or operator of a manufacturing or packing plant must keep a record of:

- o all maple products
- o the names and addresses of those who sold the products to him or her and those to whom the products were sold (all vendors and purchasers of the maple products).

These records must be in a form prescribed by the Minister of Agriculture.

**DISCLOSURE:**

The Minister of Consumer and Corporate Affairs may designate anyone as an inspector under this Act. The inspectors may enter manufacturing and packing plants to examine all books and records.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

It is an offence to obstruct an inspector or to refuse to produce records for examination. The punishment for:



- o a first offence is a fine of between \$10 and \$300 or imprisonment for up to three months or both.
- o subsequent offences is a fine of between \$25 and \$500 or imprisonment for up to six months or both.

\* \* \*

REGULATIONS: B.C. Turkey Marketing Board (Interprovincial and Export) Order, ss. 2, 3.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person engaged in the processing of turkeys raised in B.C. in an area under the B.C. Turkey Marketing scheme and destined for inter-provincial or export or export trade.

RECORDS WHICH MUST BE KEPT:

- o Accurate books and records must be kept in English, containing information regarding the:
  - o production
  - o processing
  - o packing
  - o storing
  - o transporting
  - o marketing

of the turkeys by him/her.

DISCLOSURE:

Any person engaged in the processing of turkeys must produce on request by a member of the Board, any of the information required to be kept.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the books and records as described or to grant an inspector access to those records is an offence punishable on summary conviction. If found guilty, a person is liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Departmental Brewery Regulations, ss. 2, 4.

STATUTE: Excise Act, ss. 176, 179.

DEPARTMENT: National Revenue (Customs and Excise)

#### APPLICATION:

These requirements apply to anyone carrying on business as a brewer.

Please note that you must also comply with the requirements under "everyone who carries on a business subject to excise" on page 136.

#### RECORDS WHICH MUST BE KEPT:

Records must be kept containing the following information:

- o the quantities of raw materials and packaging materials used, brought into or removed from the brewery
- o the quantity of each type of beer fermented, transferred to storage or otherwise disposed of
- o the quantity of any material added to beer after fermentation
- o the quantity of each type of beer transferred to a tank from which it is to be packaged
- o the quantity of each type of beer packaged
- o the details of disposition of the packaged beer
- o where beer has been exported from Canada, documentary evidence of the export.

#### DISCLOSURE:

At the request of the collector, everyone who carries on business as a brewer must give the collector an account in writing of the contents of these records.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Every brewer who fails to keep these records is liable to a fine of not less than \$1,000 and not more than \$5,000. If duty is owed, double the amount may have to be paid.

REGULATIONS: Distillery Departmental Regulations, ss. 2, 5, 6, 7.

STATUTE: Excise Act, s. 145.

DEPARTMENT: National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to anyone carrying on business as a distiller.

Please note that you must also comply with the requirements "everyone who carries on a business subject to excise" on page 136.

RECORDS WHICH MUST BE KEPT:

Records must be kept containing the following information:

- o the quantities of raw materials brought into or removed from the distillery
- o the quantities of spirits charged to distillery stock
- o where the strength of any spirits is likely to be changed by any material in the spirits, a sample of the spirits must be distilled with a test still prior to ascertaining the strength. The results of this must be recorded for each package of spirits warehoused by the distillery.
- o the quantities of spirits taken for treatment or ex-warehoused
- o the quantities of spirits transferred from one processing operation to another within the distillery
- o the quantities of spirits bottled from each transfer of spirits to the bottling room
- o the quantities of age strip stamps received, used, removed or destroyed.

When a quantity of spirits is to be transferred to barrels which will be dumped when ex-warehoused, the distiller need only ascertain the quantity to be transferred and the number of barrels to which it is transferred.

Distillers must, subject to the above, ascertain the quantity of spirits contained in every package that is to be warehoused.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

Not specified.

**PENALTY:**

Failure to comply with these requirements (after notice of one month) is cause for cancellation of the permit.

\* \* \*

**REGULATIONS:** Denatured Alcohol Regulations, ss. 2, 8.

**STATUTE:** Excise Act, ss. 145, 249.

**DEPARTMENT:** National Revenue (Customs and Excise)

**APPLICATION:**

These regulations apply to distillers who manufacture denatured alcohol.

Denatured alcohol is defined as alcohol in suitable admixture with such denaturants as to render it in the judgment of the Minister of Revenue, Customs and Excise, non-potable and to prevent recovery of the ethyl alcohol.

Specially denatured alcohol means alcohol in suitable admixture with such special denaturants as have been approved by the Minister of National Revenue, Customs and Excise.

**RECORDS WHICH MUST BE KEPT:**

In all cases, meters, measuring devices and procedures used to determine the quantity or weight of any spirits must be approved by the Department of National Revenue, Customs and Excise.

Daily records must be kept that show:

- o the production and disposal of the grades of specially denatured and denatured alcohol
- o the inventory maintained of the grades of specially denatured and denatured alcohol
- o the denaturants and special denaturants used in the manufacture of denatured and specially denatured alcohol.

**DISCLOSURE:**

Not specified.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

Failure to comply with these requirements (after notice of one month) is cause for cancellation of the permit.

\* \* \*



STATUTE: Petroleum Administration Act, ss. 40, 44, 45, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who holds a license under the Petroleum Administration Act and every person who:

- o sells crude oil to a person for consumption elsewhere than in the exporting province
- o purchases any crude oil for consumption elsewhere than in the exporting province
- o collects, gathers, accumulates, mixes or blends any crude oil for the purpose of sale, transportation, conveyance, carriage or movement or
- o enters into an agreement to do any of the above.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be kept at the place of business in Canada (or elsewhere in Canada as the regulations may require). They must be kept in a form and contain such information as will allow the price paid by or to the licensee to be determined.

DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable

- o on summary conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both, or
- o on conviction upon indictment, to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who:

- o directed
- o authorized
- o assented to
- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his/her knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

\* \* \*

STATUTE: Petroleum Administration Act, ss. 65.1, 65.17, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to anyone who is required to pay charges under Part III.1 of the Petroleum Administration Act. This Part deals with levies on domestic petroleum processed or consumed in Canada, and foreign petroleum or petroleum products consumed in Canada, and foreign petroleum or petroleum products processed, consumed, sold or otherwise used in Canada.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be kept at the place of business in Canada. They must be in such form and contain such information as will allow the amount of the charges or other sums that should have been paid or collected to be determined.

Every account or voucher necessary to verify the information in the records and books of account must be kept.

DISCLOSURE:

The records, books of account, accounts and vouchers must be made available to officers of the National Energy Board or anyone designated by the Board. They may examine them at all reasonable times.

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

Records, books or account, accounts and vouchers must be kept until the National Energy Board gives written permission for their disposal.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Gasoline Excise Tax Regulations, ss. 2, 6, 7.

STATUTE: Excise Tax Act, s. 57

DEPARTMENT: National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to any manufacturer, producer, wholesaler, jobber or other dealer of gasoline who:

- o sells gasoline in bulk to a person holding a permit under section 7 of the Gasoline Excise Tax Regulations
- o charges a price that does not include the excise tax paid
- o requests a refund for the excise tax paid by him/her.

RECORDS WHICH MUST BE KEPT:

Suitable records must be kept to substantiate all sales made to permit holders that do not include the excise tax paid.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

Written permission must be obtained from the Minister in order to destroy these records.

PENALTY:

Not specified.

FURTHER INFORMATION:

The Department of National Revenue has published a booklet entitled Federal Excise Gasoline Tax Refund Information which is available at all Regional offices.

\* \* \*

REGULATIONS: Canada Oil and Gas Drilling and Production Regulations, s. 52.

STATUTE: Territorial Lands Act, s. 25.

DEPARTMENTS: Indian Affairs and Northern Development,  
Energy, Mines and Resources.

APPLICATION:

These requirements apply to any owner or operator of a scrubbing or absorption plant in the Yukon or North-West Territories.

RECORDS WHICH MUST BE KEPT:

Records must be kept of:

- o all gas received into a scrubbing or absorption plant
- o the name and address of each person from whom the gas was received
- o the quantity and quality of the gas received from each person
- o the price payable
- o how the gas was disposed of (i.e., sale, etc.) and the price received by him/her for any product obtained from the treating or processing of the gas.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

Not specified.



**PENALTY:**

Failure to comply with these requirements is punishable, on summary conviction, by a fine not exceeding \$300 or imprisonment not exceeding 3 months or both.

\* \* \*

**STATUTE:** Petroleum Corporations Monitoring Act, ss. 3, 7, 9, 11, 12.

**DEPARTMENT:** Energy, Mines and Resources

**APPLICATION:**

These requirements apply to every corporation engaged in the:

- o exploration
- o development
- o production
- o refining or
- o refining and marketing

of petroleum or petroleum products.

**Petroleum:**

- o any crude oil or other hydrocarbon or mixture of hydrocarbons recovered in liquid or solid state from a natural reservoir, including any hydrocarbon or mixture of hydrocarbons produced by extraction from oil sands
- o any natural gasoline or condensate resulting from the production, processing or refining of gas recovered from a natural reservoir.

**Petroleum Product:**

- o any hydrocarbon or mixture of hydrocarbons resulting from the processing or refining of hydrocarbons as described above.

**RECORDS WHICH MUST BE KEPT:**

Records and books of account of sufficient detail to allow the verification of any information submitted under the Petroleum Corporations Monitoring Act should be kept at the company's principal place of business in Canada.

#### DISCLOSURE:

A person authorized by the Minister may, at all reasonable times, enter the premises of the corporation and

- o audit and examine any of the books and records required to be maintained and any supporting documentation
- o require the owner or manager or any person on the premises to give reasonable assistance with the audit and to answer all proper questions or make a sworn statement regarding these matters
- o if it appears there has been a violation, seize and take away any documents, books, records, papers or things that may be required as evidence.

The person from whom the documents were seized may inspect them and make copies. Seized documents must be returned within 120 days (unless otherwise ordered by the court, or until the application has been dealt with) but copies may be made before the return of the originals.

#### RETENTION PERIOD:

Every book and record must be kept until written permission for their destruction is obtained from the Minister of Energy, Mines and Resources.

#### PENALTY:

Anyone who fails to keep records as required is guilty of a summary conviction offence and liable to a fine not exceeding \$50,000.

Anyone who fails to assist a person authorized by the Minister is liable on summary conviction.

\* \* \*

REGULATIONS: Pulp and Paper Effluent Regulations, ss. 2, 3, 4, 5, 6, Schedules A, B, C, D and E.

STATUTE: Fisheries Act, ss. 38, 61.

DEPARTMENT: Fisheries and Oceans

#### APPLICATION:

The record retention requirements in these regulations apply to mills that produce pulp, paper, paperboard, hardboard, insulating and building board or any combination of these products.

Certain deleterious substances may be deposited in waters frequented by fish. These are:

- o total suspended solids (filtered and dried residue present in the waste resulting from the processes involved in the operations of a mill) in the effluent of a:
- o kraft, sulphite, mechanical or semi-chemical mill

if the number of pounds of solids deposited does not exceed in any day the aggregate of the number of tons of wood processed or tons of product produced daily by each component process category listed in column I multiplied by the numbers in columns II, III, IV and V below in Schedule A.

#### SCHEDULE A

#### PERMITTED DEPOSITS OF TOTAL SUSPENDED SOLIDS IN THE EFFLUENT OF MILLS IN POUNDS PER TON\*

Column I	Column II	Column III	Column IV	Column V
Component Process Category	Existing Kraft, Sulphite or Semi- chemical Mill	New Expanded or Altered Kraft, Sulphite or Semi- chemical Mill	Existing Mechanical Mill	New Expanded or Altered Mechanical Mill
1. Wood rewashing .....	5	5	5	5
2. Debarking Hydraulic Process ...	5	5	5	5
3. Debarking - Wet Drum Process..	10	8	10	8
4. Pulping .....	7	5	13	10
5. Bleaching .....	6	4	2	2
6. Pulp Sheet Formation .....	2	1	5	4
7. Integrated Single Product Paper Making .....	3	2	5	4
8. Integrated, Specialty, Single- product Paper Making .....	6	4	10	8
9. Tissue Paper Making .....	15	10	20	15
10. Fine and Specialty Multi-product Paper Making .....	25	20	25	20
11. Cylinder Paper or Paperboard Manufacture .....	15	12	15	12
12. Neutral Sulphite Semi-chemical Corrugating Medium .....	7	7		

\*"ton" means, in respect of a component process category in

- (a) items 1 to 3, an oven-dry ton of wood process without the bark,
- (b) items 4 to 6, an air-dry ton of product, and
- (c) items 7 to 12, a ton of product as produced.

- o total suspended solids in the effluent of any mill not in Schedule A that do not exceed:
  - o fifteen pounds for each ton of product produced by a hardboard mill each day
  - o eight pounds for each ton of product produced by an insulating and building board mill each day
  - o thirty pounds for each air-dry ton of product produced by a dissolving grade sulphite mill in that day after pulping, bleaching and sheet formation.
- o oxygen-demanding decomposable organic matter in the effluent from any mill where the number of pounds of BOD does not exceed in any day the aggregate of:
  - o the number of air-dry tons of products produced by that mill in any such day from each type of process described in Column I of Schedule B
  - o multiplied by the number in Column II or III, whichever is applicable.

BOD is defined as the number of pounds of dissolved oxygen required to stabilize, by biochemical action during an incubation period of five days at twenty degrees centigrade, the oxygen-demanding decomposable organic matter produced as waste from the production of one ton of pulp or paper.

- o oxygen-demanding decomposable organic matter in the effluent from any dissolving grade sulphite mill not described in Schedule B where the number of pounds of BOD resulting from the deposit does not exceed in any day, five hundred and eighty pounds for each air-dry ton of product produced.

#### SCHEDULE B

##### PERMITTED DEPOSITS OF OXYGEN-DEMANDING DECOMPOSIBLE ORGANIC MATTER IN POUNDS OF BOD PER AIR-DRY TON OF PRODUCT

Column I	Column II	Column III
Type of Process	Existing Mill	New, Altered and Expanded Mill
Sulphite pulping yield of 55% or less ....	255	170
Sulphite pulping yield of more than 55% and less than 65% .....	170	115
Sulphite pulping yield of 65% or more ...	150	75
Sulphite bleaching (market pulp) .....	35	35
Kraft pulping .....	64	33
Kraft bleaching .....	27	27
Neutral Sulphite Semi-Chemical pulping ..	80	60



### Types of Mills

New: any mill that commenced operation after November 23, 1971.

Altered: any mill when the processes are altered after November 23, 1971 so that there is a change in the quality of the effluent unless the alteration was solely for the purpose of pollution abatement.

Expanded: any mill when equipment installed after November 23, 1971 has increased production by ten per cent or more.

Existing: any mill that is not new, expanded or altered.

Any part of an expanded or altered mill that is not changed by expansion or alteration shall be regarded as an existing mill.

When tons of product referred to in Schedules A and B are calculated, mill screenings are not to be taken into account.

For the purpose of calculating the quantity of total suspended solids and decomposable organic matter, one hundred pounds of air-dry pulp shall be considered to be equal to ninety pounds of oven-dry pulp.

The operator of every mill that deposits deleterious substances in waters frequented by fish shall measure the

- o effluent flow
- o amount of total suspended solids
- o oxygen-demanding decomposable organic matter in composite samples of its effluent.

These samples shall be obtained at all outfalls and measured at times and in the manner in Schedule E.

### SCHEDULE E

1. (1) Except in the case of sewers entering into and discharging from a biological treatment system, every sewer from a mill having an outfall discharging into waters frequented by fish shall be equipped with a device that is so designed that each time a volume of effluent, equal to one-twelfth of the average daily volume discharged, has passed through that sewer a quantity of that effluent is delivered into a receptacle, the quantity delivered each time being the same.

(2) The operator of every mill that

(a) has a type of process set out in Column I of Schedule B, or

(b) is a dissolving grade sulphite mill

shall, every day that the mill is operating, measure the amount of BOD resulting from the effluent collected pursuant to sub-section (1).

(3) The operator of every mill shall, every day that it is operating, measure the amount of total suspended solids in the effluent collected pursuant to subsection (1).

(4) The contents of the receptacle shall be held at a temperature not exceeding 8°C until the total suspended solids and BOD are measured.

2. (1) In the case of a mill having sewers entering into and discharging from a biological treatment system, every sewer entering the system shall be equipped with a device that is so designed that each time a volume of effluent equal to one-twelfth of the average daily volume discharged has passed through that sewer a quantity of that effluent is delivered into a receptacle, the quantity delivered each time being the same.

(2) On every day that the mill is operating, the amount of total suspended solids in the effluent collected in that receptacle shall be measured.

(3) The contents of the receptacle shall be held at a temperature not exceeding 8°C until the total suspended solids are measured.

3. (1) The amount of BOD in the effluent from a sewer discharging from a biological treatment system shall be measured in samples that have been taken from that sewer at regular intervals of twenty-four hours on every day that the mill is operating.

(2) The samples shall be filtered to remove biological solids and held at a temperature not exceeding 8°C until the BOD has been measured.

#### RECORDS WHICH MUST BE KEPT:

The operator of every mill that deposits deleterious substances must make and keep in his/her files records of the:

- o measurements of the effluent flow, amount of suspended solids and oxygen-demanding decomposable organic matter in composite samples of its effluent
- o pulp yield
- o daily production of the products from each process of that mill
- o such other information as will enable the Minister of Fisheries and Oceans to determine whether the quantity of any deleterious substance deposited by the mill in any day exceeds the quantity authorized.

#### DISCLOSURE:

Not specified.

#### RETENTION PERIOD:

Not specified.

**PENALTY:**

Every person who contravenes these requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Every person who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his or her duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable:

- o on summary conviction to a term not exceeding six months imprisonment with hard labour or to a fine of \$100 or
- o on indictment to a term not exceeding two years imprisonment.

\* \* \*

**REGULATIONS:** Tobacco Departmental Regulations, ss. 2, 14, 15, 16, 17, 18.

**STATUTE:** Excise Act, s. 2

**DEPARTMENT:** National Revenue (Customs and Excise)

**APPLICATION:**

These requirements apply to cigar or tobacco manufacturers.

Please note that you must also comply with the requirements "everyone who carries on a business subject to excise" on page 136.

**RECORDS WHICH MUST BE KEPT:**

Records must be kept containing the following information:

- o the quantities of raw materials brought into, destroyed in or removed from the manufactory
- o the quantities of tobacco taken for use in the manufactory
- o the quantities of tobacco products made or packed by the manufacturer (tobacco products are defined as manufactured tobacco or cigars and include Canada twist)
- o the quantities of tobacco products entered for duty ex-manufactory, warehoused or ex-warehoused for consumption
- o the quantities of tobacco products received, shipped duty paid or removed in bond
- o the quantities of duty paid or in-bond tobacco products re-worked

- o the quantities of stamps and packaging materials received.

Accounts containing the following information:

- o quantities of Canadian raw leaf tobacco received, removed or entered for consumption
- o quantities of Canadian raw leaf tobacco stemmed or reconstituted
- o quantities of stems and waste disposed of.

For raw materials and tobacco products:

Quantities may be stated in any manner used uniformly throughout the manufactory except the actual weight must be used to determine the excise duty payable.

For Canadian raw leaf tobacco:

Quantities must be stated in terms of actual weight. Tobacco packers may make an adjustment in their records for the difference in weight between that at stock taking and what was recorded if that difference is due to handling or treating the raw leaf tobacco.

#### DISCLOSURE:

At the request of a collector, everyone who carries on business as a cigar or tobacco manufacturer must give the collector an account in writing of the contents of these records.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Not specified.

\* \* \*

REGULATIONS: Motor Vehicle Safety Regulations, ss. 2, 8.

STATUTE: Motor Vehicle Safety Act, ss. 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 17.

DEPARTMENT: Transport

#### APPLICATION:

These requirements apply to every:

- o manufacturer
- o assembler



- o distributor
- o importer

of

- o motor vehicles or
- o motor vehicle components for delivery to a manufacturer.

Motor vehicle is defined as any vehicle designed to be driven or drawn on roads by any means other than exclusively by muscular power and includes pedal cycles with auxiliary motors, minibikes, motorized snow vehicles, but does not include any vehicle designed for running exclusively on rails.

#### RECORDS WHICH MUST BE KEPT:

Records of testing conducted by or for the manufacturer or assembler to determine whether the vehicles or vehicle components comply with the Motor Vehicle Safety Regulations must be kept.

#### DISCLOSURE:

Inspectors appointed by the Minister of Transport may examine any books, reports, test data, control records, shipping bills and bills of lading or other documents or papers that they believe contain information relevant to the enforcement of this Act. Inspectors may make copies of and take extracts from these books, etc.

The inspectors may enter any place in which they reasonably believe there is any motor vehicle for which safety standards have been prescribed if that place is owned by or situated on the premises of any

- o manufacturer of
- o distributor of
- o importer of motor vehicles, or
- o consignee of imported vehicles or any motor vehicle component that is to be used in the manufacture of a motor vehicle for which safety standards have been prescribed.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

It is an offence to hinder or obstruct inspectors. It is also an offence to knowingly make a false or misleading statement - verbally or in writing. Everyone who is guilty is liable on summary conviction:

- o if a corporation, to a fine not exceeding \$5,000
- o if an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding two years or both.

REGULATIONS: Motor Vehicle Tire Safety Regulations, ss. 2, 6, 7, Schedules IV and V.

STATUTE: Motor Vehicle Tire Safety Act, ss. 2, 4, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18.

DEPARTMENT: Transport

#### APPLICATION:

These requirements apply to every manufacturer and importer of motor vehicle tires for which safety standards have been prescribed must keep the following records as a condition of the use of the national tire safety mark.

#### RECORDS WHICH MUST BE KEPT:

The following records must be kept:

- o a record of tests conducted by or on behalf of the manufacturer. This record must help the inspector to determine if those tires comply with all safety standards which are applicable.
- o a registration system so that anyone who has bought a tire made by the manufacturer or imported by the importer can be identified if they wish to be identified.

In addition, importers must keep a record of the tires imported. The record must only be of tires for which safety standards have been prescribed. Importers do not have to keep a record of tires used for exhibition, demonstration or other similar purposes.

The importer or his agent must sign this record. It must show:

- o the name of the corporation that manufactured the tire if it was manufactured by a corporation or, if it was manufactured by a partnership or an individual, the usual name under which the partnership or individual carries on business
- o the name of the corporation that imported the tire, if it was imported by a corporation, or if it was imported by a partnership or individual, the usual name under which the partnership or individual carries on business
- o a statement to the effect that on the date of importation, the tire complied with all safety standards in force on the date it was manufactured
- o the make, brand name, type and size designation of the tire
- o the number of each make, brand name, type and size designation of the tire imported at the same time

- o a written statement by the manufacturer or his agent that the tire described in the records complied with all safety standards in force on the date that the manufacturing was completed.

#### DISCLOSURE:

This Act gives inspectors appointed by the Minister of Transport the right to examine any books, reports, test data, control records, shipping bills and bills of lading or other documents or papers that on reasonable grounds the inspector believes contain information relevant to this Act. Inspectors may make copies of and take extracts from these books, etc.

The inspectors may enter any place in which they reasonably believe there is any motor vehicle tire for which safety standards have been prescribed, if that place is owned by or situated on the premises of any

- o manufacturer
- o distributor
- o importer or
- o consignee of imported tires.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

It is an offence to hinder or obstruct inspectors. It is also an offence to knowingly make any false or misleading statement - verbally or in writing. Everyone who is guilty is liable:

on summary conviction:

- o if a corporation, to a fine not exceeding \$5,000
- o if an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months or both, or

on conviction upon indictment:

- o if a corporation, to a fine not exceeding \$10,000
- o if an individual, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding two years or both.

\* \* \*

REGULATIONS: Explosives Regulations, ss. 2, 84.

STATUTE: Explosives Act, ss. 3, 6, 15, 17, 22.

DEPARTMENT: Energy, Mines and Resources

#### APPLICATION:

The record retention requirements apply to operators of a factory licensed under section 6 of the Explosives Act.

This Act and these regulations do not apply to explosives under the direction or control of the Minister of National Defence.

#### RECORDS WHICH MUST BE KEPT:

Records of explosives must be kept. Explosives are defined as substances that are made, manufactured or used to produce an explosion or detonation or a pyrotechnic effect and include:

- o gunpowder
- o propellant powders
- o blasting agents
- o dynamite
- o detonating cord
- o lead azide
- o detonators
- o ammunition of all descriptions
- o rockets
- o fireworks
- o firework composition
- o safety flares and other signals.

However, for the purpose of the record retention requirements, records for fireworks and safety cartridges do not need to be kept.

(i) A record must be kept of the quantity of each explosive manufactured, showing:

- o the brand name
- o the strength
- o the cartridge size and
- o the lot number or other permitted identifying number.

(ii) A record must be kept of the quantity of each explosive possessed, showing:

- o the brand name
- o the strength
- o the cartridge size
- o the designation of the magazine where the explosive is being stored



- o the name and address of the person from whom the explosive was received (if the explosive was not manufactured by the operator), and
- o the date the explosive was received.

(iii) A record must be kept of the quantity of each explosive issued from the factory, showing:

- o the name and business address of each purchaser or consignee
- o any one of the following numbers:
  - o the federal magazine license number
  - o the provincial or territorial magazine license or permit number
  - o the Purchase and Possession Permit number of each purchaser or consignee
- o the destination to which each shipment of the explosive is being sent
- o the method of transport of each shipment of the explosive, including the security seal number where applicable
- o the manifest, bill of lading or shipping order number for each shipment of the explosive
- o the quantity, brand name, strength and cartridge size of the explosives in the shipment
- o the name, residential address and signature of the person taking delivery of the shipment
- o a record of documents presented as proof of identity of the person taking delivery of the shipment
- o the date of delivery of each shipment.

#### DISCLOSURE:

Inspectors are defined as:

- o the Chief Inspector
- o an inspector of explosives
- o a deputy inspector of explosives
- o any other person who is directed by the Minister of Energy, Mines and Resources to inspect an explosive, a vehicle, factory or magazine or to hold an inquiry in connection with any accident caused by an explosive.

Inspectors and peace officers may examine records.

Inspectors may make copies of and take extracts from any record or other document.

Inspectors are furnished with certificates of appointment and the person in charge of the factory, magazine, vehicle or other place may ask the inspector to produce this certificate before entering.

Inspectors must be given all reasonable assistance in carrying out their duties; all relevant information requested must be given.

#### RETENTION PERIOD:

Three years from the date the record was made.

PENALTY:

Every person who:

- o fails to allow an inspector to enter any place
- o fails to allow an inspector to inspect, examine or make inquiries or
- o fails to comply with any order, direction or requirement of an inspector made under the Act or regulations

is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months or both.

Any person who is dissatisfied with an order, direction or requirement of an inspector may appeal it to the Minister of Energy, Mines and Resources within fifteen days from the day on which the order was made.

Every person who violates any provision of the Act or regulations is liable on summary conviction for a first offence to a fine not exceeding \$200 and, for subsequent offences, to a fine not exceeding \$500.

\* \* \*

REGULATIONS: Restricted Weapons and Firearms Control Regulations, s. 13.

STATUTE: Criminal Code, ss. 82, 103.

DEPARTMENT: Solicitor General

APPLICATION:

These requirements apply to everyone who carries on a business that includes the:

- o manufacturing
- o buying or selling at wholesale or retail
- o importing
- o repairing
- o altering
- o modifying or
- o taking in pawn

of restricted weapons or firearms.

Firearms are defined as any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

Restricted weapons are defined as:

- o any firearm (not being a prohibited weapon, as defined below) designed, altered or intended to be aimed and fired by the action of one hand, or
- o any firearm that:
  - o is not a prohibited weapon, has a barrel that is less than eighteen and one-half inches in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or
  - o is designed or adapted to be fired when reduced to a length of less than twenty-six inches by folding, telescoping, or otherwise, or
- o any firearm that is designed, altered or intended to fire bullets in rapid succession during one pressure of the trigger and that was registered as a restricted weapon on January 1, 1978, and formed part of a gun collection in Canada of a bona fide gun collector, or
- o a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that (in the opinion of the Governor in Council) is reasonable for use in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.

A prohibited weapon is defined as:

- o any device or contrivance designed or intended to muffle or stop the sound or report of a firearm
- o any knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife
- o any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger that was not registered as a restricted weapon on January 1, 1978, and did not form part of a gun collection in Canada of a bona fide gun collector
- o any firearm adapted from a rifle or shotgun, whether by sawing, cutting or other alteration or modification that has a barrel that is less than eighteen inches in length or that is less than twenty-six inches in overall length
- o a weapon of any kind (not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes) that has been declared prohibited by an order of the Governor in Council.

Despite the definitions above, the following weapons are deemed not to be firearms for the purpose of the record retention requirements:

- o an antique firearm that is not a restricted weapon and the person in possession does not intend to discharge it

- o any device designed (and intended by the person who possesses it) to be used exclusively for:
  - o signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or
  - o firing blank cartridges
- o any shooting device designed (and intended by the person who possesses it) to be used exclusively for:
  - o slaughtering of domestic animals
  - o tranquillizing animals or
  - o discharging projectiles with lines attached to them
- o any other barrelled weapon where it is proved that such weapon is not designed or adapted to discharge a shot, bullet or other missile at a muzzle velocity exceeding five hundred feet per second or to discharge a shot, bullet or other missile that is designed or adapted to attain a velocity exceeding five hundred feet per second.

#### RECORDS WHICH MUST BE KEPT:

- (i) A record of all transactions entered into must be kept. It must be kept in a form prescribed by the Commissioner of the Royal Canadian Mounted Police.
- (ii) An inventory of all restricted weapons and firearms must be kept at the place of business. When a person carries on a business at more than one location, the inventory must be kept at each location.

#### DISCLOSURE:

The inventory and record of transactions must be available for inspection by any police officer or constable or anyone else authorized by regulation.

When the Commissioner or other person authorized by the regulations requests, a report of the record of transactions and the inventory must be sent as directed.

#### RETENTION PERIOD:

Five years from the date of the transaction or inventory.

#### PENALTY:

Any person who fails to keep proper records is guilty of an offence:

- o on summary conviction or
- o on indictment and is liable to imprisonment for five years.



REGULATIONS: Radio Interference Regulations, s. 4, 7.

STATUTE: Radio Act

DEPARTMENT: Communications

APPLICATION:

These requirements apply to every:

- o manufacturer or
- o importer

who sells or offers for sale any

- o machinery
- o apparatus or
- o equipment

for which limits of radio noise have been prescribed by these Regulations.

Radio noise is defined as any electrical disturbance produced by any machinery, apparatus or equipment and is capable of being received by a radio receiving apparatus.

RECORDS WHICH MUST BE KEPT:

The machinery, apparatus or equipment must be tested in accordance with these Regulations. A record of these tests must be kept.

DISCLOSURE:

At the request of the Director General, Telecommunication Regulatory Service of the Department of Communications, these records must be made available for examination.

RETENTION PERIOD:

Five years from the test date.

PENALTY:

Every person who violates any regulation is liable to a fine not exceeding \$1,000 and costs or to imprisonment for a term not exceeding six months.

\* \* \*

REGULATIONS: National Parks Electrical Regulations, ss. 2, 6.

STATUTE: National Parks Act, s. 4.

DEPARTMENT: Environment

APPLICATION:

These requirements apply to every operator of an industrial, commercial or other establishment who has been issued an annual permit by the Superintendent of a National Park of Canada to employ a full-time electrician to the plant or premises. Superintendent is defined as the Superintendent and any person authorized to act for or in the name of the Superintendent.

RECORDS WHICH MUST BE KEPT:

An accurate record must be kept of all installations, extensions, alterations or repairs that have been carried out in the establishment.

DISCLOSURE:

The Superintendent or a provincial officer may inspect the establishment at least once a year or more often where, in the opinion of the Superintendent or provincial officer, more frequent inspection is necessary. Records must be produced to the Superintendent when required.

RETENTION PERIOD:

The records must be kept by the operator for a period of one year following the inspection referred to under "disclosure".

PENALTY:

Any person who violates any provision of this Act or Regulations is guilty of an offence and is liable:

- o on summary conviction to a fine not exceeding \$500 or
- o a lesser amount if in violation of a regulation.

\* \* \*

## MINING

This section deals with mining and drilling for oil and gas.

The records retention requirements for treating and refining oil and gas are in MANUFACTURING - Petroleum and Coal Products Industry.

The records retention requirements for oil and gas pipelines are in TRANSPORTATION - Pipeline Transport.

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REGULATIONS: Indian Mining Regulations, s. 42

STATUTE: Indian Act

DEPARTMENT: Indian Affairs and Northern Development

APPLICATION:

These requirements apply to any mining operation issued a permit or lease to extract minerals from a mine on an Indian Reserve or surrendered lands.

RECORDS WHICH MUST BE KEPT:

Technical, financial and other records relating to the exploration or production of minerals should be kept.

DISCLOSURE:

The Supervisor may require permittee or leasee to produce the record required to be maintained.

RETENTION PERIOD:

Not specified.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Canada Oil and Gas Drilling Regulations, ss. 2, 3, 174.

STATUTE: Oil and Gas Production and Conservation Act, ss. 12, 43, 49, 50.

DEPARTMENTS: Indian Affairs and Northern Development,  
Energy, Mines and Resources.

APPLICATION:

These requirements apply to any operator who explores for oil or natural gas, and every well or test hole drilled in:

- o the Yukon or North West Territories
- o offshore areas to a depth of 200 metres or to such depth as still allows the exploitation of the natural resources of the seabed



- o any lands that belong to Her Majesty in right of Canada where the mineral rights have been retained by the Crown.

Notwithstanding the above, the Act does not apply to lands within the geographical limits of a province or to lands over which a province has jurisdiction through an agreement with the Federal Government.

#### RECORDS WHICH MUST BE KEPT:

A comprehensive record must be kept of the drilling program in the form of tour sheets and, if necessary, daily ship or barge reports containing the following information:

- o the elevation of the rotary table or kelly bushing and the ground or seafloor
- o the time spent by the drill crew at each separate operation carried out during the drilling program
- o the volume of drilling fluid in surface tanks that is available for use and the properties of and the materials added to the drilling fluid
- o the pumping pressure, the circulating rate of the drill fluid and any loss of the drilling fluid in the well
- o the make-up of any drilling assemblies including the size and type of bit, and the size, number and length of all tubulars
- o the increase in depth of the well made by drilling or coring in each shift of the drill crew
- o the weight of the bit and the rotary table speed
- o particulars of the running and results of any deviation of directional surveys
- o particulars of the running or cementing of any casing, including the type and quantity of casing and cement
- o data from the tests of representative samples from each casing, including the time interval of the test and the compressive strength of the sample
- o the results of any pressure test on casing, open formations, or packers
- o particulars of any wireline logging operations, including the type of wireline log run

#### DISCLOSURE:

A Conservation Engineer may, at any reasonable time, require the production for inspection of any books, records and documents required to be maintained.

The Chief Conservation Officer may investigate any accident or other event that:

- o involves death or injury

- o causes damage to, or failure of, drilling equipment
- o results in pollution

and may demand the production of any records and data that may contain information relevant to the matter under investigation.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain adequate records or refusal to produce those records is punishable on summary conviction by a fine of up to \$1,000.

In addition, the court may order the person to comply with the provision.

\* \* \*

REGULATIONS: Canada Oil and Gas Drilling Regulations, ss. 4, 178.

STATUTE: Oil and Gas Production and Conservation Act, ss. 48, 49, 51.

DEPARTMENTS: Indian Affairs and Northern Development,  
Energy, Mines and Resources.

APPLICATION:

These requirements apply to every operator of a drill site in the lands described on pages 194 and 195 under "application".

RECORDS WHICH MUST BE KEPT:

- (i) A daily record must be kept of persons employed or visiting at a drill site.
- (ii) A barge log or a ship's log must be kept that records:
  - o the arrival and departure of any support craft
  - o the location and deployment of any standby vessel
  - o the dispatch and receipt of any radio message
  - o the details of any emergency drills
  - o any change in the draft
  - o the particulars of any inspection of the hull.
- (iii) A record of the receipt and consumption of all explosive materials must be kept.

DISCLOSURE:

For (i) & (ii), see the disclosure provisions on page 195.

The record referred to in (iii) must be submitted to the Chief Environmental Officer on request.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain adequate records or refusal to produce those records is punishable on summary conviction by a fine of up to \$1,000.

In addition, the court may order the person to comply with the provision.

\* \* \*

REGULATIONS: Canada Oil and Gas Drilling Regulations, ss. 4, 175(5).

STATUTE: Oil and Gas Production and Conservation Act, ss. 12, 43, 49, 51.

DEPARTMENTS: Indian Affairs and Northern Development,  
Energy, Mines and Resources.

APPLICATION:

These requirements apply to any operation which falls within the application requirements outlined on pages 194 and 195 and is, in addition:

- o a drilling rig which is onshore, or
- o a drilling unit being used for a well completion, re-completion or a remedial operation.

RECORDS WHICH MUST BE KEPT:

The following information must also be recorded on the tour sheets:

- o a summary of the operations undertaken
- o the amounts of workover fluids used, injected, lost or recovered from the well
- o details of any casing or tubing used in the completion
- o results of any tubing and packer pressure tests
- o the landing depths for any tubing or casing packers and the depths of any tool seats
- o the details of any recovered fluid and of any fluid levels observed during swabbing operations.

DISCLOSURE:

See the disclosure provisions on page 195.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain adequate records or refusal to produce those records is punishable on summary conviction by a fine of up to \$1,000.

In addition, the court may order the person to comply with the provision.

\* \* \*

REGULATIONS: Canada Oil and Gas Drilling Regulations, ss. 4, 176.

STATUTE: Oil and Gas Production and Conservation Act, ss. 3, 12, 43, 48, 49, 51.

DEPARTMENTS: Indian Affairs and Northern Development,  
Energy, Mines and Resources.

APPLICATION:

These requirements apply to any operation which falls within the requirements outlined on pages 194 and 195 and is, in addition, an offshore drilling operation.

RECORDS WHICH MUST BE KEPT:

The following information must be recorded on the tour sheets:

- o the presence of any iceflows or icebergs and their movement
- o the amount of precipitation in the preceeding 24 hour period
- o measurements, taken at least every three hours of:
  - o wind direction and speed
  - o wave direction, height and period
  - o the swell direction, height and period
  - o the current direction and speed
  - o the barometric pressure and air temperature
  - o the sea water temperature
  - o the visibility



- o details of any safety meeting held
- o details of any blowout prevention or abandon ship practice drill held
- o particulars of the failure of or significant damage to any equipment that affects the drilling operations
- o details in respect of the accidental spillage of any fuel, drilling fluid or other material
- o details of any apparent gain in volume of the drilling fluid at the surface and the steps taken to control any kick that might have been encountered
- o particulars of the perforating of any casing including the numbers and intervals
- o particulars of the stimulating of any formation including the type of quantity of the fluid used and the pressure and rate at which the fluid was injected into the formation
- o particulars of the running of any formation flow test
- o details of the recovery by wireline of any formation sample or any formation fluid sample
- o particulars in respect of the loss of any tubulars or other materials in the well and a description of any operations undertaken for their recovery
- o particulars of the suspension of operations for any cause
- o details in respect of the termination of the well.

**DISCLOSURE:**

A Conservation Engineer may, at any reasonable time, require the production for inspection of any books, records and documents required to be maintained.

The Chief Conservation Officer may investigate any accident or other event that:

- o involves death or injury
- o causes damage to, or failure of, drilling equipment
- o results in pollution

and may demand the production of any records and data that may contain information relevant to the matter under investigation.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

Failure to maintain adequate records or refusal to produce those records is punishable on summary conviction by a fine of up to \$1,000.

In addition, the court may order the person to comply with the provision.

REGULATIONS: Canada Oil and Gas Drilling Regulations, ss. 4, 200, 201.

STATUTE: Oil and Gas Production and Conservation Act, ss. 48, 49, 51.

DEPARTMENTS: Indian Affairs and Northern Development,  
Energy, Mines and Resources.

APPLICATION:

These requirements apply to:

- (i) any drilling operation carrying out formation flow tests.
- (ii) any drilling operation conducting a formation flow test by wireline.

Note: Operators are required to make sufficient tests, wireline logs, analyses and surveys to ensure that a comprehensive geological and reservoir evaluation can be made.

"Formation flow test" means an operation to induce the flow of formation fluids to the surface of a well for the purpose of procuring reservoir fluid samples and determining reservoir flow characteristics.

RECORDS WHICH MUST BE KEPT:

For (i) all relevant information must be recorded including:

- o the initial shut-in pressure
- o all flow rates and wellhead pressures with respect to time
- o sufficient build-up pressure and flowing pressure data to calculate the permeability and the static reservoir pressure
- o the total volume of fluid recovered and the volume of each type of fluid produced
- o the temperature and pressure in the well at the point and at the time any fluid sample was taken.

For (ii) all relevant information must be recorded including:

- o the name of the well and the depth from which the fluid sample was obtained
- o the date and the time the fluid sample was obtained
- o the temperature of the formation from which the fluid sample was obtained
- o a record of the well pressure during the test
- o the type, quantity and nature of the fluids recovered.

DISCLOSURE:

Immediately upon completion of the tests, a copy of the test record must be sent to the Chief Conservation Officer.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain adequate records or refusal to produce those records is punishable on summary conviction by a fine of up to \$1,000.

In addition, the court may order the person to comply with the provision.

\* \* \*

REGULATIONS: Canada Oil and Gas Drilling and Production Regulations, ss. 12, 49, 100.

STATUTE: Territorial Lands Act, s. 25.

DEPARTMENT: Indian Affairs and Northern Development

APPLICATION:

These requirements apply to every lessee of an intake well located in the territorial lands of Canada.

RECORDS WHICH MUST BE KEPT:

Accurate records of:

- o the amount of fluid injected into the intake well
- o the source of the fluid injected
- o the pressure used in the injection of the fluid

must be maintained.

DISCLOSURE:

An inspector appointed by the Minister may, at any time, enter the lease or permit area and examine all relevant books, records and documents required to be maintained.

RETENTION PERIOD:

Not specified.

**PENALTY:**

If the records are not being maintained as prescribed, the Minister may issue a request for compliance. If the leasee or permittee's failure to comply persists for an additional ninety days, the Minister may cancel the lease or permit.

\* \* \*

**REGULATIONS:** Canada Oil and Gas Drilling and Production Regulations,  
ss. 12, 13, 68, 83, 91, 92, 93, 99, 100.

**STATUTE:** Territorial Lands Act, s. 25.

**DEPARTMENT:** Indian Affairs and Northern Development

**APPLICATION:**

These requirements apply to every person holding a permit or lease to drill for oil and/or gas in the territorial lands of Canada.

**RECORDS WHICH MUST BE KEPT:**

(i) A rig record book must be kept containing the following information:

- o the results of weekly safety tests carried out on the safety buggy (which provides an auxilliary means of escape from the fourble board or principal working platform)
- o the results of the monthly tests on the breathing apparatus kept on hand at the drilling rig
- o the results of the weekly safety checks conducted on the brakes of the draw-works by the tool-pusher or other authorized person
- o results of the weekly tests of every hoisting line used in well-drilling, well-servicing and well-abandoning operations. The examination must be made by the tool-pusher or other authorized person.

(ii) An electric log, and one other type of electric log, sonic log or radio-activity log so that the information provided by the two logs is sufficient to determine the contacts between horizons or zones penetrated and the porosity and fluid saturation of all potential reservoir horizons.

**DISCLOSURE:**

The rig record book should be available for inspection by the Oil Conservation Engineer at any reasonable time.

Three copies of the log in (ii) should be sent to the Oil Conservation Engineer within 30 days of the date the log was taken.



Also, the Minister, or his authorized representative may at any time enter and inspect any well, plant, record or the like in a permit area. The permittee or leasee must render such assistance as the Inspector may require.

**RETENTION PERIOD:**

Not specified.

**PENALTY:**

Failure to comply with the provisions outlined above will lead to the issue of a request for compliance from the Minister. If the leasee or permittee fails to comply within ninety days of the issuance of the notice, the Minister may cancel the permit or lease.

\* \* \*

**REGULATIONS:** Canada Oil and Gas Drilling and Production Regulations,  
ss. 35, 53, 100.

**STATUTE:** Territorial Lands Act, s. 25.

**DEPARTMENT:** Indian Affairs and Northern Development

**APPLICATION:**

These requirements apply to every well producing or capable of producing oil and gas and located within the territorial lands of Canada.

**RECORDS WHICH MUST BE KEPT:**

(i) A well producing gas must be equipped with a gas meter of a type approved by the oil conservation engineer. Meter charts must be maintained containing all relevant information, including the time any orifice plate was removed and the size of the plate substituted.

(ii) Daily records of:

- o the oil, gas, water and sediment produced by the well
  - o the average separator pressure if a separator is in use
  - o particulars of the disposition of all the products from the well
- must be maintained.

**DISCLOSURE:**

A report must be filed each month showing:

- o the oil, gas, sediment produced from the well and its disposition

- o the liquid and gas injected into the well in the last month
- o the average separator pressure for the previous month.

The Oil Conservation Engineer may permit the filing of the above reports for a battery or group of wells.

Also, the Minister or an authorized inspector may enter a lease or permit area at any time and examine all relevant books, records and documents. The leasee or permittee must render any assistance the inspector may require.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply will lead to the issuance of a request for compliance by the Minister. Continued failure to comply will lead to the cancellation of the permit or lease after ninety days.

\* \* \*

STATUTE: Petroleum Corporations Monitoring Act, ss. 3, 7, 9, 11, 12.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every corporation engaged in the:

- o exploration
- o development
- o production
- o refining or
- o refining and marketing

of petroleum or petroleum products.

Petroleum:

- o any crude oil or other hydrocarbon or mixture of hydrocarbons recovered in liquid or solid state from a natural reservoir, including any hydrocarbon or mixture of hydrocarbons produced by extraction from oil sands

- o any natural gasoline or condensate resulting from the production, processing or refining of gas recovered from a natural reservoir.

Petroleum Product:

- o any hydrocarbon or mixture of hydrocarbons resulting from the processing or refining of hydrocarbons as described above.

RECORDS WHICH MUST BE KEPT:

Records and books of account which are of sufficient detail to allow the verification of any information submitted under the Petroleum Corporations Monitoring Act, must be maintained at the company's principal place of business in Canada.

DISCLOSURE:

A person authorized by the Minister may, at all reasonable times, enter the premises of the corporation and

- o audit and examine any of the books and records required to be maintained and any supporting documentation
- o require the owner or manager or any person on the premises to give reasonable assistance with the audit and to answer all proper questions or make a sworn statement regarding these matters
- o if it appears there has been a violation, seize and take away any documents, books, records, papers or things that may be required as evidence.

The person from whom the documents were seized may inspect them and make copies. Seized documents must be returned within 120 days (unless otherwise ordered by the court, or until the application has been dealt with) but copies may be made before the return of the originals.

RETENTION PERIOD:

Every book and record must be kept until written permission for their destruction is obtained from the Minister of Energy, Mines and Resources.

PENALTY:

Anyone who fails to keep records as required is guilty of a summary conviction offence and liable to a fine not exceeding \$50,000.

Anyone who fails to assist a person authorized by the Minister is liable on summary conviction.

## PUBLIC ADMINISTRATION

This division covers establishments engaged in activities that are basically governmental in character, including defence establishments. As the Handbook is directed towards record-keeping requirements imposed upon the private sector, thus making the industrial classification of an establishment dependant on its ownership, this section does not purport to cover in any detail the record keeping requirements imposed on Crown Corporations and similar institutions.

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\* \* \*

STATUTE:        Financial Administration Act, ss. 68 to 78.

DEPARTMENT:    Finance

Although Crown Corporations are beyond the strict terms of this Handbook, not being part of the private sector, this short synopsis of the general requirements regarding the records they must retain as expressed in the Financial Administration Act has been included for the sake of completeness.

Part Eight of the Financial Administration Act, which applies to agency crown corporations and proprietary corporations, sets out the minimum record-keeping requirements. It should be emphasized that these are minimum requirements and Crown Corporations are also subject to any record-keeping/retention requirements expressed in the statute which creates them.

Crown Corporations must keep proper books of account and records relating thereto. An annual statement of account must be prepared containing such information as a corporation incorporated under the Canada Business Corporations Act is required to lay before its shareholders at their annual meeting. (For details as to what requirements the CBCA imposes in this respect, see the details in the chapter headed "Global Requirements"). In addition, a copy of this annual statement must be submitted to the responsible Minister within three months of the Corporation's fiscal year-end.

The Auditor of the corporation, appointed by the Governor in Council pursuant to s. 67 has the right of access, at all convenient times, to the books, records, documents and accounts of the corporation. The Auditor may also demand of the Directors or other officers of the corporation such additional information as he/she may require.



A yearly report of the state of the company's affairs as he/she has discovered them to be must be submitted by the auditor to the appropriate Minister. This report must also be included in the annual report of the corporation.

\* \* \*

STATUTE: Defence Production Act, ss. 19, 21.

DEPARTMENT: Supply and Services

APPLICATION:

These requirements apply to every person who enters into a defence contract with the Government of Canada.

RECORDS WHICH MUST BE KEPT:

Detailed accounts and records must be kept of the cost of carrying out the contract.

DISCLOSURE:

The accounts and records must be produced to any person authorized by the Minister. The accounts, records or documents of any description that relate to either the defence contract or other business may be audited, examined, copied or have extracts taken from them.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person guilty of an offence under this Act is liable on summary conviction or on indictment to a fine not exceeding \$5,000 or to imprisonment for a period not exceeding two years or both.

\* \* \*

## SERVICES

This section applies to persons rendering personal services and using certain facilities, e.g. harbours.

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\* \* \*

STATUTE: Fishing and Recreational Harbours Act, ss. 2, 3, 11, 20, 26, 27.

DEPARTMENT: Fisheries and Oceans

APPLICATION:

This Act applies to those using harbours, wharfs, piers, breakwaters, slipways, marinas or other facilities predominantly used by fishing or recreational boats.

It does not apply to property under the jurisdiction of the National Harbours Board.

RECORDS WHICH MUST BE KEPT:

This Act does not require records to be kept. It gives enforcement officers the right to go on board ship and examine log books, documents and papers. Enforcement officers are appointed by the Minister of Fisheries and Oceans.

DISCLOSURE:

When an enforcement officer believes on reasonable grounds that this Act has been violated, he/she may go on board ship or enter any premises to look at the records. He/she may copy the contents. If he/she believes that the Act has been violated, he/she may order the person, vessel or vehicle to leave the harbour.

The Minister of Fisheries and Oceans may order an inquiry. The people conducting it are given the powers of commissioners under the Inquiries Act. This means that the production of log books, documents and papers may be ordered. For more information about inquiries see page 18.

RETENTION PERIOD:

Not required.

PENALTY:

It is an offence to obstruct or hinder an enforcement officer, fail to comply with his/her reasonable requests or knowingly make a false or misleading statement - verbally or in writing.

The penalty for this offence is a fine not exceeding \$25,000 or imprisonment for up to six months or both.

\* \* \*

REGULATIONS: Race Track Supervision Regulations, ss. 2, 137, 206, 207, 211, 215, 216, 227, 228, 229, 238, 240, 242, 244.

STATUTE: Criminal Code, ss. 188(7), 722.

DEPARTMENT: Agriculture

#### APPLICATION:

These requirements apply to associations incorporated for the purpose of conducting pari-mutuel betting at horse races.

#### RECORDS WHICH MUST BE KEPT:

##### Record of Messenger Betting Transactions

Where an association conducts a messenger betting service, the messenger must record each betting transaction in triplicate. The Chief Supervisor must approve the form of this record. Each copy must show:

- o the name of the race course or association
- o the words "messenger betting receipt"
- o a statement that the receipt is not redeemable for cash

The word(s) "patron" must be shown on the original, "seller's copy" on the duplicate, and "messenger copy" on the triplicate.

The messenger must sign each betting receipt and record on it:

- o the date
- o the name or other identification of the bettor
- o the amount of the bet
- o the pool on which the bet is made
- o the race number
- o the horse or combination of horses on which the bet is made.

The messenger must keep the triplicate receipt in the messenger betting receipt book and give each completed receipt book to the association.

The association must keep these books.

The Chief Supervisor may authorize the use of receipts of betting transactions between patrons and messengers in duplicate. He/she may do so if the association uses approved tape recorders to record the conversations between sellers and messengers regarding sales of pari-mutuel tickets. In this case, the association must keep the tape recordings.

##### Record of Outstanding Tickets

Associations must keep a record of outstanding tickets. This record must be kept in an outbook approved by the Chief Supervisor, or on an approved electronic computer print-out. The outbook or computer print-out must contain the following information:



- o the date of the race
- o race number
- o kind of pool
- o winning horse number
- o mutual number of code
- o pay-out price for each ticket
- o number and value of outstanding tickets in each category
- o on the date of cashing, each individual ticket or group of identical tickets cashed, showing the date of cashing under a separate column heading
- o as each ticket or group of tickets is cashed, the deduction of those tickets still outstanding and the net number of tickets still outstanding
- o a net total of amounts still outstanding.

The total must be at the bottom of each ledger page.

#### Record of Outstanding Tickets Cashed

Outstanding tickets that have been cashed must be kept by the association. They must be grouped according to day, race and pool.

#### Record of Official Samples

When a horse is tested, the test inspector must give the sealed sample jars to the chief test inspector. Attached to each jar must be an identification tag. On the stub (the severable portion) of that tag, the following must be recorded:

- o the signature of the owner or trainer
- o the lip tattoo number (against the number registered for that horse) and, if no tattoo number is evident, this must be indicated on the stub
- o the time the sample was obtained or the time the testing procedure was abandoned
- o details of any refusal by an owner or trainer to participate in the testing as required by these regulations.

At the end of each day, the chief test inspector must place the stubs in an envelope. The envelope must be sealed and marked with the date and day of the race meeting. The envelope must be placed in an approved locked receptacle. The area supervisor or a person designated by him/her must keep the keys to the receptacle.

Stubs may be retained in a different manner upon direction of the Chief Supervisor.

#### Record of Abandoned Tests

Where a test has been abandoned, the stub must contain the same information as under Record of official samples, above. These stubs must be kept by the chief test inspector in a manner prescribed by the Chief Supervisor.

#### DISCLOSURE:

Disclosure requirements are not specified for the records of messenger betting transactions, outstanding tickets, outstanding tickets cashed or abandoned tests. Presumably the Chief Supervisor may examine them.

The record of official samples (the stubs kept in an envelope in the locked receptacle) may be examined by an officer or the presiding steward, in the presence of an officer or another steward.

Where an officer has reasonable grounds to believe that an offence under the part of the regulations dealing with drugs has been committed, the officer may enter any place, building, vehicle or receptacle that is on or near the race-track. The officer may seize and take away anything that he or she believes is evidence that an offence has been committed.

#### RETENTION PERIOD:

The record of messenger betting transactions must be kept for three months from the end of each race meeting. When the Chief Supervisor has authorized the use of a tape recorder in lieu of the triplicate copy of the transaction, the tape recordings must be kept for three months from the end of each race meeting or for such other period as is approved by the Chief Supervisor.

The retention period for the record of outstanding tickets is not specified.

The outstanding tickets which have been cashed must be kept until April 30th following the year in which the tickets were sold or until such time as their destruction is authorized by an officer.

The envelopes containing stubs from sample tests must be kept by the area supervisor or a person designated by him/her for three months. If proceedings are to be instituted under the rules of racing, the stub must be given to the presiding steward. If proceedings are to be instituted under the Criminal Code or these regulations, the area supervisor or a person designated by him/her must keep the stub.

The retention period for the stubs from tags used for abandoned tests is at the discretion of the Chief Supervisor.

#### PENALTY:

Any Commission that adopts any portion of the part dealing with drugs as part of its rules of racing may institute proceedings under those rules against any person who commits an offence described in that part.

Every person who violates or fails to comply with any of the provisions in these regulations is guilty of an offence punishable:

- o on summary conviction by imprisonment for up to six months or a fine of up to \$500 or both, or
- o on indictment and is liable to imprisonment for two years.

REGULATIONS: Food and Drugs Regulations, G.05.001, G.05.002.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any person in charge of a hospital.

RECORDS WHICH MUST BE KEPT:

The following information should be kept in a book or register maintained solely for controlled drugs:

- o the name and quantity of any controlled drug received by the hospital
- o the name and address of the person from whom the controlled drug was received
- o the name and quantity of any controlled drug used in manufacturing
- o the name and quantity of any controlled drug manufactured and the date of manufacture
- o the name of the patient for whom the controlled drug was dispensed
- o the name and the practitioner ordering or prescribing the controlled drug
- o the date on which the controlled drug was ordered or prescribed and the form and quantity in which it was prescribed.

Controlled Drugs:

- o Amphetamine and its salts
- o Barbituric Acid and its salt and derivatives
- o Benzphetamine and its salts
- o Butorphanol and its salts
- o Methamphetamine and its salts
- o Methaqualone and its salts
- o Pentazocine and its salts
- o Phendimetrazine and its salts
- o Phenmetrazine and its salts and
- o Thiobarbituric acid and its salts and derivatives.

DISCLOSURE:

An inspector may inspect and take extracts from any book, record or document required to be kept by the Food and Drugs Act.



In addition, the Act confers these general powers on duly authorized inspectors:

- o to enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o to inspect any books, records and other documents he/she believes contain information relevant to the enforcement of the Act.
- o require any person in charge to furnish him/her with such information as he/she may require.

The person in charge of premises being inspected must not:

- o obstruct the inspector in the exercise of his/her function
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

Two years.

PENALTY:

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or imprisonment for three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or imprisonment for six months or both
- o on indictment by a fine not exceeding \$5,000 or imprisonment for three years or both.

\* \* \*

REGULATIONS: Narcotic Control Regulations, ss. 2, 63, 64.

STATUTE: Narcotic Control Act, s. 2.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to a person in charge of a hospital, meaning:

(1) a hospital that is listed or referred to in an agreement with a province made pursuant to the Hospital Insurance and Diagnostic Services Act



- (2) a tuberculosis hospital licensed or approved by a province as a tuberculosis hospital
- (3) a hospital or institution for the mentally ill licensed or approved by a province as such
- (4) a private hospital, nursing home or a home for convalescent or chronically ill persons that is licensed or approved by a province as such
- (5) a veterinary hospital that is operated by, or is under the direct supervision of, a practitioner or
- (6) any other institution that is operated primarily for the care or treatment of persons suffering from any form of disease or illness and is approved by the Minister of National Health and Welfare as a hospital for the purpose of these Regulations.

#### RECORDS WHICH MUST BE KEPT:

A book, register or other record must be kept containing the following information:

- o the name and quantity of any narcotic received
- o the name and address of the person from whom any narcotic was received and the date received
- o the name and quantity of any narcotic used in manufacturing
- o the name and quantity of any narcotic manufactured and the date of manufacture
- o the name of the patient for whom a narcotic other than an oral prescription narcotic was dispensed
- o the name of the practitioner ordering or prescribing a narcotic other than an oral prescription narcotic
- o the date a narcotic other than an oral prescription narcotic was ordered or prescribed and the form and quantity of it.

Note: the recorded information must be kept in such form as to enable an audit to be made from time to time.

#### DISCLOSURE:

A person who is in charge of a hospital shall:

- o furnish such information respecting the use of narcotics in the hospital in the form and at such times as the Minister of National Health and Welfare requires

- o produce to an inspector any books, records or documents required to be kept by these Regulations
- o permit an inspector to make copies of and take extracts from the books, records and documents
- o permit an inspector to check all stocks of narcotics.

RETENTION PERIOD:

Two years.

PENALTY:

Failure to comply with the above is punishable, on summary conviction, by a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, J.01.021, J.01.22.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to every institution using restricted drugs.

Institution: any institution engaged in research on drugs and includes a hospital that is licensed by a province, a university and a department or agency of the Federal or Provincial government.

Restricted Drugs are:

- o Lysergic acid diethylamide (LSD) or any salt thereof
- o N,N-Diethyltryptamine (DET) or any salt thereof
- o N,N-Dimethyltryptamine (DMT) or any salt thereof
- o 4-Methyl-2, 5-dimethoxyamphetamine (STP(DOM)) or any salt thereof
- o 3,4-methylenedioxyamphetamine (MDA) or any salt thereof
- o 3-methoxy-4,5-methylenedioxyamphetamine (MMDA) or any salt thereof
- o N-menthyl-3-piperidyl benzilate (LBJ) or any salt thereof
- o 2,3-dimethoxyamphetamine or any salt thereof
- o 2,4-dimethoxyamphetamine or any salt thereof
- o 2,5-dimethoxyamphetamine or any salt thereof
- o 2,6-dimethoxyamphetamine or any salt thereof
- o 3,4-dimethoxyamphetamine or any salt thereof
- o 3,5-dimethoxyamphetamine or any salt thereof

- o 4,9-dihydro-7-methoxy-1-methyl-3H-pyrido (3,4-b) indole (Harmaline) and any salt thereof
- o 4,9-dihydro-1-methyl-3H-pyrido (3,4-b) indol-7-ol (Harmalol) and any salt thereof
- o 4-methoxyamphetamine or any salt thereof
- o 3-(2-(Dimethylamino)ethyl)-4-hydroxyindole (Psilocin) or any salt thereof
- o 3-(2-(Dimethylamino)ethyl)-4-phosphoryloxyindole (Psilocybin) or any salt thereof
- o 2,4,5-Trimethoxyamphetamine or any salt, isomer, or salt of isomer, thereof
- o 3,4-methylenedioxy-N-methylamphetamine or any salt thereof
- o N-(1-phenylcyclohexyl) ethylamine
- o 4-bromo-2,5-dimethoxyamphetamine

#### RECORDS WHICH MUST BE KEPT:

The following records must be kept showing:

- o the amount of every restricted drug used by the institution
- o details of the use to which the restricted drug was put
- o the name and qualifications of any person who makes use of a restricted drug in an institution
- o full clinical data with respect to the use of every restricted drug used by the institution.

#### DISCLOSURE:

The records must be made available to the Minister on request. In addition, inspectors may enter and examine the parts of the institution concerned with the use of the restricted drug.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply with the above provisions is punishable:

- o on summary conviction for a first offence by a fine not in excess of \$500 or imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not in excess of \$1,000 or imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or imprisonment for a term not exceeding three years or both.

REGULATIONS: Food and Drugs Regulations, C.07.006

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to institutions authorized by the Minister to purchase thalidomide.

RECORDS WHICH MUST BE KEPT:

The following records must be kept showing:

- o amount of thalidomide received
- o use to which the drug was put in the institution
- o names and qualifications of the investigators using the drug
- o full experimental data with respect to each lot received.

DISCLOSURE:

An Inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of this Act
- o require the person in charge to furnish him/her with any information he/she may require.

The person in charge of a premises being inspected by a Food and Drugs Inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or imprisonment for a term not exceeding three months or both



- o on summary conviction for a second offence by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or imprisonment for three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, G.06.002.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any person authorized by the Minister to:

- o receive a controlled drug from a practitioner or
- o administer a controlled drug to an animal

for a purpose which services the public interest or the interests of science.

RECORDS WHICH MUST BE KEPT:

The following records must be kept showing:

- o the kind, date and type of any controlled drug received or purchased by him/her
- o the name and address of the person from whom the controlled drug was purchased or received
- o particulars concerning the use to which the drug was put.

DISCLOSURE:

An inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require any person in charge to furnish him/her with any information he/she may require.

The person in charge of the premises being inspected not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or imprisonment for three years or both.

\* \* \*

REGULATIONS: Race Track Supervision Regulations, ss. 2, 137, 206, 207, 211, 215, 216, 224, 227, 229, 230, 238, 240, 242, 244.

STATUTE: Criminal Code, ss. 188(7), 722.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to chemists and veterinarians providing services to associations incorporated for the purpose of conducting pari-mutuel betting.

RECORDS WHICH MUST BE KEPT:

(i) Record of horses treated by veterinarian

Every veterinarian practicing on a race course must keep an approved log book. The following information must be entered:

- o the name and tattoo number of every horse treated by him/her
- o the names of the owner and trainer of every horse treated by him/her

- o the description, by generic or trade name or by a code or symbol, of any drug administered by him/her to a horse. Where a veterinarian uses a code or symbol, he/she must, upon the request of the Chief Supervisor, a Commission veterinarian, or an official veterinarian, make known the generic or trade name of the drug described by that code or symbol
- o the date and time when the drug was administered and the dosage and particulars of the regime followed.

(ii) Record of official chemist

Every official chemist must set up a system of drug addition tests for the purpose of routine control and check testing within the official laboratory. The result of the routine control and check testing must be kept.

All records, analytical reports and references must be kept in a secure place and treated as confidential.

DISCLOSURE:

The record of horses treated by a veterinarian (the log book) must be made available upon request to an officer, a Commission veterinarian or an official veterinarian.

The record of routine control and check testing must be made available on request to the Chief Supervisor or his/her representative.

RETENTION PERIOD:

Not specified.

PENALTY:

Any Commission that adopts any portion of the part dealing with drugs as part of its rules of racing may institute proceedings under those rules against any person who commits an offence described in that part.

Every person who violates or fails to comply with any of the provisions in these regulations is guilty of an offence punishable:

- o on summary conviction by imprisonment for up to six months or a fine of up to \$500 or both, or
- o on indictment and is liable to imprisonment for two years.

\* \* \*

REGULATIONS: Food and Drug Regulations, G.06.002.

STATUTE: Food and Drugs Act s. 26

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to any medical practitioner authorized by the Minister to:

- o prescribe
- o administer
- o give
- o sell
- o furnish
- o distribute
- o deliver or
- o receive

a controlled drug for a purpose which serves the public interest or the interests of science.

#### RECORDS WHICH MUST BE KEPT:

The following records must be kept showing:

- o the kind, date and quantity of any controlled drug purchased
- o the name and address of the person from whom the controlled drug was purchased or received
- o particulars of the use to which the drug was put.

#### DISCLOSURE:

Every medical practitioner must permit an authorized inspector access to the records required to be maintained and furnish such additional information as the Minister may require.

An Inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require the person in charge to furnish him/her with any information he/she may require.

The person in charge of a premises being inspected by a Food and Drugs Inspector must not:

- o obstruct the inspector in the execution of his/her duties



- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above provisions is punishable:

- o on summary conviction for a first offence by a fine of \$500 or by imprisonment for three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or imprisonment for a term not exceeding three years or both.

\* \* \*

REGULATIONS: Narcotic Control Regulations, ss. 2, 54, 55.

STATUTE: Narcotic Control Act, s. 2.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to all practitioners.

Practitioner: A person who is registered and entitled under the laws of a province to practice the profession of medicine, dentistry or veterinary medicine.

RECORDS WHICH MUST BE KEPT:

When a practitioner furnishes a narcotic to a person for self-administration or for administration to an animal, and the amount of the narcotic furnished exceeds:

- o three times the maximum daily dosage recommended by the manufacturer of that narcotic or
- o three times the generally recognized maximum daily therapeutic dosage, if the manufacturer has not recommended a maximum daily dosage,

the practitioner must keep a record of:

- o the name and quantity of the narcotic furnished and
- o the name and address of the person to whom it was furnished and
- o the date on which it was furnished.

The record must be kept in a place, form and manner which permits an inspector to easily examine and obtain information from it.

#### DISCLOSURE:

A practitioner must:

- o give the Minister of National Health and Welfare any information about the use and receipt of narcotics (including the administering and furnishing of narcotics) and prescriptions for narcotics issued by the practitioner when the Minister requests it and
- o allow an inspector to see, make copies of and take extracts from records and
- o permit an inspector to check all stocks of narcotics.

#### RETENTION PERIOD:

Two years.

#### PENALTY:

Failure to comply with the above is punishable on summary conviction by a fine not exceeding \$500 or imprisonment for up to six months or both.

\* \* \*

REGULATIONS: Canada Pension Plan Regulations, s. 34.

STATUTE: Canada Pension Plan, ss. 25, 26.

DEPARTMENT: National Revenue (Taxation)

#### APPLICATION:

Where an individual is placed in pensionable employment (for a description of what constitutes pensionable employment, see pages 4 to 13) by an employment agency and is remunerated by the agency, the agency is deemed to be the employer for the purposes of the Canada Pension Plan. These requirements apply to employers.

#### RECORDS WHICH MUST BE KEPT:

The agency must, therefore, keep records and books of account in sufficient detail to allow any contributions payable or any contributions or other amounts that should have been deducted to be determined.

#### DISCLOSURE:

Not specified.

#### RETENTION PERIOD:

Every such record or book of account and all supporting vouchers must be retained until written permission for their destruction is obtained from the Minister of National Revenue.

#### PENALTY:

Continued failure to maintain adequate books and records (after a warning from the Minister of National Revenue that the records are inadequate) is punishable on summary conviction by a fine of between \$25 and \$5,000. The employer may also be required to pay an amount not exceeding double the amount which should have been contributed.

Subsequent failure to maintain adequate books and records is punishable by a fine of between \$25 and \$5,000 and six months imprisonment.

\* \* \*

REGULATIONS: Restricted Weapons and Firearms Control Regulations, s. 13.

STATUTE: Criminal Code, ss. 82, 103.

DEPARTMENT: Solicitor General

#### APPLICATION:

These requirements apply to everyone who carries on a business that includes the:

- o manufacturing
- o buying or selling at wholesale or retail
- o importing
- o repairing
- o altering
- o modifying or
- o taking in pawn

of restricted weapons or firearms.

Firearms are defined as any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

Restricted weapons are defined as:

- o any firearm (not being a prohibited weapon, as defined below) designed, altered or intended to be aimed and fired by the action of one hand, or
- o any firearm that:
  - o is not a prohibited weapon, has a barrel that is less than eighteen and one-half inches in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or
  - o is designed or adapted to be fired when reduced to a length of less than twenty-six inches by folding, telescoping, or otherwise, or
- o any firearm that is designed, altered or intended to fire bullets in rapid succession during one pressure of the trigger and that was registered as a restricted weapon on January 1, 1978, and formed part of a gun collection in Canada of a bona fide gun collector, or
- o a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that (in the opinion of the Governor in Council) is reasonable for use in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.

A prohibited weapon is defined as:

- o any device or contrivance designed or intended to muffle or stop the sound or report of a firearm
- o any knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife
- o any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger that was not registered as a restricted weapon on January 1, 1978, and did not form part of a gun collection in Canada of a bona fide gun collector
- o any firearm adapted from a rifle or shotgun, whether by sawing, cutting or other alteration or modification that has a barrel that is less than eighteen inches in length or that is less than twenty-six inches in overall length
- o a weapon of any kind (not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes) that has been declared prohibited by an order of the Governor in Council.

Despite the definitions above, the following weapons are deemed not to be firearms for the purpose of the record retention requirements:

- o an antique firearm that is not a restricted weapon and the person in possession does not intend to discharge it



- o any device designed (and intended by the person who possesses it) to be used exclusively for:
  - o signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or
  - o firing blank cartridges
- o any shooting device designed (and intended by the person who possesses it) to be used exclusively for:
  - o slaughtering of domestic animals
  - o tranquillizing animals or
  - o discharging projectiles with lines attached to them
- o any other barrelled weapon where it is proved that such weapon is not designed or adapted to discharge a shot, bullet or other missile at a muzzle velocity exceeding five hundred feet per second or to discharge a shot, bullet or other missile that is designed or adapted to attain a velocity exceeding five hundred feet per second.

#### RECORDS WHICH MUST BE KEPT:

- (i) A record of all transactions entered into must be kept. It must be kept in a form prescribed by the Commissioner of the Royal Canadian Mounted Police.
- (ii) An inventory of all restricted weapons and firearms must be kept at the place of business. When a person carries on a business at more than one location, the inventory must be kept at each location.

#### DISCLOSURE:

The inventory and record of transactions must be available for inspection by any police officer or constable or anyone else authorized by regulation.

When the Commissioner or other person authorized by the regulations requests, a report of the record of transactions and the inventory must be sent as directed.

#### RETENTION PERIOD:

Five years from the date of the transaction or inventory.

#### PENALTY:

Any person who fails to keep proper records is guilty of an offence:

- o on summary conviction or
- o on indictment and is liable to imprisonment for five years.

REGULATIONS: National Parks Electrical Regulations, ss. 2, 6.

STATUTE: National Parks Act, s. 8.

DEPARTMENT: Environment

APPLICATION:

These requirements apply to every operator of an industrial, commercial or other establishment who has been issued an annual permit by the Superintendent of a National Park of Canada to employ a full-time electrician to the plant or premises. Superintendent is defined as the Superintendent and any person authorized to act for or in the name of the Superintendent.

RECORDS WHICH MUST BE KEPT:

An accurate record of all installations, extensions, alterations or repairs that have been carried out in the establishment must be maintained.

DISCLOSURE:

The Superintendent or a provincial officer may inspect the establishment at least once a year or more often where, in the opinion of the Superintendent or provincial officer, more frequent inspection is necessary. Records must be produced to the Superintendent when required.

RETENTION PERIOD:

The records must be kept by the operator for a period of one year following the inspection referred to under "Disclosure".

PENALTY:

Any person who violates any provision of this Act or Regulations is guilty of an offence and is liable:

- o on summary conviction to a fine not exceeding \$500 or
- o a lesser amount if in violation of a regulation.

\* \* \*

REGULATIONS: Migratory Birds Regulations, ss. 2, 3, 19, 20, 21, 29, 31.

STATUTE: Migratory Birds Convention Act, ss. 2, 5.

DEPARTMENT: Environment

APPLICATION:

These requirements apply to permit holders. Under this Act, migratory birds are defined as the birds, nests and eggs of the birds in any province or in the territorial waters adjacent to that province.

#### Migratory game birds:

- o anatidae or waterfowl, including brant, wild ducks, geese and swans
- o gruidae or cranes, including little brown, sandhill and whooping cranes
- o rallidae or rails, including coots, gallinules and sora and other rails
- o limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, yellowlegs, and
- o columbidae or pigeons, including doves and wild pigeons.

#### Migratory insectivorous birds:

- o bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks, bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tangers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens and all other perching birds which feed entirely or chiefly on insects.

#### Migratory non-game birds:

- o auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters and terns.

#### RECORDS WHICH MUST BE KEPT:

The holder of a taxidermist permit must keep records showing the:

- o names and numbers of each species
- o date, place and circumstances of the taking of the birds and eggs
- o date when the birds and eggs were received
- o names and addresses of the owners of the birds and eggs, the permit numbers under which they were collected and
- o the persons from whom they were received by the taxidermist

for each specimen of migratory birds and eggs received by him/her.

#### DISCLOSURE:

In all cases, the holders of these permits must allow a game officer to enter and inspect the premises used in their operations and the books and records kept.

A game officer is appointed by the Minister of the Environment. All members of the Royal Canadian Mounted Police are ex officio game officers.

RETENTION PERIOD:

Not specified.

PENALTY:

It is an offence to fail to keep proper records. If the holder of a permit pleads guilty or is found guilty of this offence, no permit for migratory game bird hunting may be issued for one year from that date, and no permit for scientific or avicultural uses may be issued for two years from that date.

The permit held by a taxidermist is not valid if proper books and records are not kept.

\* \* \*

STATUTE: Income Tax Rebate Discounting Act, ss. 3, 4, 6, 7.

DEPARTMENT: Consumer and Corporate Affairs

APPLICATION:

These requirements apply to any person who acquires the right to a refund of tax from the person entitled for a percentage of the refund.

RECORDS WHICH MUST BE KEPT:

The Act is directed towards the prevention of discounts in excess of fifteen per cent on income tax refunds. To that end, when the right to a refund is acquired by a discounter, he/she must provide the person from whom the right was acquired with a statement in the form specified in Schedule I to the Act containing the following information:

- o Name of the Discounter
- o Business Address of the Discounter
- o Name of the Proprietor
- o Name of the Taxpayer
- o The taxpayer's social insurance number
- o Taxpayer's address
- o Tax account number
- o Expected refund from the government
- o Amount paid to taxpayer by discounter after deducting the service charge
- o Payment as a percentage of the refund
- o The amount of the discount
- o The discount as an annual rate



In addition, when the discounter receives the refund from the government, a notice must be provided in the form specified in Schedule II containing the following information:

- o Name and address of taxpayer
- o Name and business address of discounter
- o Amount of refund
- o Estimated refund
- o Difference between estimated refund and actual refund

**DISCLOSURE:**

A peace officer, a person appointed by the Minister of Consumer and Corporate Affairs or a Minister of the Crown in right of the province, where the copies of the documents are maintained, must be granted access to the documents for the purposes of examination at any reasonable time.

**RETENTION PERIOD:**

Copies of the documents specified in Schedules I and II must be kept at the discounter's place of business for three years after they were provided or sent.

**PENALTY:**

Any person who fails to comply with the provisions outlined above is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$25,000.

\* \* \*

**STORAGE:**

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\* \* \*

STATUTE:           Canadian Dairy Commission Act, ss. 2, 9, 19, 21.

DEPARTMENT:     Agriculture

**APPLICATION:**

These requirements apply to those producing dairy products.

**RECORDS WHICH MUST BE KEPT:**

This Act does not require records to be kept. It gives inspectors the right to enter any place in which they reasonably believe there is a product regulated by the Dairy Commission - basically, any dairy product. They may also inspect, make copies of and take extracts from any books, records or documents. Inspectors have certificates of authority and on request must show them to the person in charge.

DISCLOSURE:

Those on the Canadian Dairy Commission have all the powers of a commissioner under the Inquiries Act. This means that the Commission may order the production of documents, records and books. For more information, see page 18.

RETENTION:

Not required.

PENALTY:

It is an offence to fail to give an inspector reasonable assistance. It is also an offence to fail to give information, either to an inspector or to the Canadian Dairy Commission. The penalties can be either:

- o punishment on summary conviction by a fine not exceeding \$500 or imprisonment not exceeding six months or both, or
- o punishment on indictment by a fine not exceeding \$2,000 or imprisonment not exceeding one year or both.

\* \* \*

REGULATIONS: Feed Grain Transportation and Storage Assistance Regulations, ss. 2, 9.

STATUTE: Livestock Feed Assistance Act, s. 29

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person in receipt of a payment for the storage of feed grain.

Feed Grain: wheat, other than grades of wheat grown in a designated area and designated by regulation not to be feed grain, oats and barley and such other grain and grain products as may be designated as feed grain by regulation.

RECORDS WHICH MUST BE KEPT:

The following records must be kept:

- o books of account
- o bills of lading
- o sales invoices.

DISCLOSURE:

All records may be inspected and audited by an authorized member of the Canadian Livestock Feed Board during normal business hours.

RETENTION PERIOD:

Six years.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Canada Grain Regulations, s. 23

STATUTE: Canada Grain Act, ss. 15, 33, 87.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person licensed to operate a:

- o primary
- o terminal or
- o transfer

grain elevator.

RECORDS WHICH MUST BE KEPT:

A record must be kept of:

- o all grain delivered to him/her
- o all grain stored by him/her
- o the grade of all such grain
- o information as to whether the grain was:
  - o purchased
  - o recieved for storage, or
  - o received for sale on commission.

DISCLOSURE:

Any officer of the Board (Canada Wheat Board), or any person authorized by the Board, may enter and inspect the records required to be maintained.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to keep the records described is punishable:

- o on summary conviction by imprisonment for not more than 3 months or a \$500 fine

OR

- o on indictment by imprisonment for not more than one year or a fine not exceeding \$5,000.



REGULATIONS: Produce Licensing Regulations, ss. 2, 14.  
Processed Fruit and Vegetable Regulations, s. 18

STATUTE: Canada Agricultural Products Standards Act, ss. 6, 13.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every owner or operator of a licensed produce warehouse.

RECORDS WHICH MUST BE KEPT:

The following records must be kept:

(i) In relation to fresh fruit and vegetables handled by the warehouse:

- o details of all transactions carried on under the license
- o names and addresses of the owners of the business
- o accurate records of shipments of fresh fruit and vegetables organized by:
  - o kind and grade of produce

AND

- o size of containers.

(ii) In relation to processed fruit and vegetables handled by the warehouse:

- o monthly pack figures of all fruit and vegetables packed within the establishment.

DISCLOSURE:

An authorized inspector may enter any place in which he/she believes an agricultural product is stored and require the production of any:

- o books
- o shipping bills
- o bills of lading
- o other documents and papers relating to the product.

The owner or person in charge of the premises must render any assistance the inspector may require and not hinder him/her in the execution of his/her duties.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain adequate books and records or failure to permit an inspector to examine them is an offence punishable:

- o on summary conviction by a fine not in excess of \$500 or imprisonment for a term not in excess of six months or both

OR

- o on indictment by a fine not exceeding \$2,000 or imprisonment for a term not exceeding one year or both.

\* \* \*

REGULATIONS: B.C. Turkey Marketing Board (Interprovincial and Export) Order, ss. 2, 3.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person engaged in the raising of any class of turkey for meat or egg production in the area covered by the B.C. Turkey Marketing scheme and destined for interprovincial or international trade.

RECORDS WHICH MUST BE KEPT:

Accurate books and records, in English, containing information regarding the:

- o production
- o processing
- o packing
- o storing
- o transporting
- o marketing

of the turkeys by him/her must be maintained.

DISCLOSURE:

Any person authorized by the B.C. Turkey Marketing Board may enter and inspect the premises where turkeys are raised and demand the production of any of the information required to be maintained in the form of books and records.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the books and records as prescribed or to grant an inspector access is an offence punishable on summary conviction. If found guilty, a person is liable to a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Customs Bonded Warehouses Regulations, ss. 2, 3, 8, 13, 14.

STATUTE: Customs Act

DEPARTMENT: National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to all warehouse keepers in bonded warehouses.

Warehouse keepers are defined as the owners or lessees of bonded warehouses.

RECORDS WHICH MUST BE KEPT:

Detailed records must be kept of:

- o all goods on hand in the warehouse and
- o all movements of goods into and out of the warehouse.

DISCLOSURE:

Warehouse keepers have the duty to show that goods have been lawfully stored and removed from the warehouse and must produce documents to prove this.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with any part of these regulations may result in cancellation of the appointment of the warehouse. Warehouse keepers are entitled to an opportunity to be heard and to make representations before an appointment is cancelled.

If the quantity of goods stored in the warehouse is less than the quantity recorded:

- o no goods shall be removed from the warehouse until the customs duties and sales and excise taxes payable for those goods have been paid.

\* \* \*

REGULATIONS: Excise Warehousing Regulations, ss. 2, 10.

STATUTE: Excise Act

DEPARTMENT: National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to excise bonding warehouses.

Please note that you must also comply with the requirements "everyone who carries on a business subject to excise" on page 136.

RECORDS WHICH MUST BE KEPT:

Records must be kept of:

- o the deposit of any good in and
  - o the removal of any good from
- the warehouse.

DISCLOSURE:

See page 136, requirements for everyone who carries on a business subject to excise.

RETENTION PERIOD:

Not specified.

PENALTY:

See the penalty provisions described on pages 137 and 138.

\* \* \*

STATUTE: Hazardous Products Act, ss. 2, 4, 5, 9, 10, 14, Schedule.

DEPARTMENTS: Consumer and Corporate Affairs,  
Health and Welfare co-administers, ss. 9, 10 (Board of Review)

APPLICATION:

These requirements apply to manufacturers.

RECORDS WHICH MUST BE KEPT:

This Act does not require records to be kept. It gives inspectors (appointed by the Minister of Consumer and Corporate Affairs) the right to enter any place. The inspector may enter if he/she believes that a hazardous product is manufactured, preserved, packaged, sold or stored for sale. The Schedule to the Hazardous Products Act contains a list of all hazardous products. As the schedule is lengthy and frequently amended, it has not been included. Reference should be made to it.



**DISCLOSURE:**

The inspector may examine any books, records or other documents that on reasonable grounds he/she believes contain any information about hazardous products. He/she may make copies of and take extracts from these books, records and documents.

**RETENTION PERIOD:**

Not required.

**PENALTY:**

It is an offence to obstruct an inspector in the performance of his/her duties. All reasonable assistance must be given. It is also an offence to knowingly make a false or misleading statement verbally or in writing.

These offences are punishable on summary conviction by a fine of \$500 or imprisonment for three months or both.

The Minister may establish a Hazardous Products Board of Review. Those on the Board have the powers of commissioners under the Inquiries Act. This means that the production of books, records and other documents may be ordered. For more information see page 18.

\* \* \*

**REGULATIONS:** Explosives Regulations, ss. 2, 103.

**STATUTE:** Explosives Act

**DEPARTMENT:** Energy, Mines and Resources

**APPLICATION:**

These requirements apply to the operator of a licensed magazine.

**RECORDS WHICH MUST BE KEPT:**

All records must be kept in a form approved by the Chief Inspector. Operators must keep a record regarding all explosives except fireworks and safety cartridges. Explosives are defined as substances that are made, manufactured or used to produce an explosion or detonation or a pyrotechnic effect and include:

- o gunpowder
- o propellant powders
- o blasting agents
- o dynamite
- o detonating cord
- o lead azide
- o detonators
- o ammunition of all descriptions
- o rockets
- o fireworks
- o firework composition
- o safety flares and other signals.

### Record of Received Explosives

This record must contain:

- o the quantity of each explosive received including:
  - o the brand name
  - o the strength
  - o the cartridge size
  - o the name and address of the person from whom the explosive was acquired
  - o the designation of the magazine where the explosive is being stored
  - o the date the explosive was received.

### Record of Possessed Explosives

This record must contain:

- o information about each explosive in the operator's possession, including:
  - o the quantity
  - o brand name
  - o strength
  - o cartridge size
  - o designation of the magazine where the explosive is being stored.

### Record of Issued Explosives

The operator of a magazine that is not temporary must keep a record of:

- o the quantity of each explosive issued from the magazine containing:
  - o the name and business address of each purchaser or consignee
  - o any one of the following numbers:
    - o federal magazine licence number
    - o provincial or territorial magazine licence or permit number
    - o purchase and possession permit number
  - o of each purchaser or consignee.
- o the destination to which each shipment of the explosive is being sent
- o the method of transport of each shipment of the explosive, including the security seal number where applicable
- o the manifest, bill of lading or shipping order number for each shipment of the explosive
- o the quantity, brand name, strength and cartridge size of the explosives in the shipment

- o the name, residential address and signature of the person taking delivery of the shipment
- o the record of documents presented as proof of identity of the person taking delivery of the shipment
- o the date of delivery of each shipment.

The operator of a temporary magazine must keep a record of the quantity of each explosive issued from the magazine containing:

- o the brand name
- o the strength
- o the cartridge size
- o the use to which the explosive was put.

#### DISCLOSURE:

In all cases, records must be available for inspection by an inspector or peace officer.

Inspector is defined as:

- o the Chief Inspector
- o an inspector of explosives
- o a deputy inspector of explosives and
- o any other person who is directed by the Minister of Energy, Mines and Resources to inspect an explosive, a vehicle, factory or magazine or to hold an inquiry in connection with any accident caused by an explosive.

#### RETENTION PERIOD:

In all cases, three years.

#### PENALTY:

Not specified.

\* \* \*

REGULATIONS: Pest Control Products Regulations, ss. 2, 26.

STATUTE: Pest Control Products Act, s. 10

DEPARTMENT: Agriculture

**APPLICATION:**

These requirements apply to every person in whose name a certificate of registration is issued. A certificate of registration is a certificate issued by the Director of the Plant Products Division of the Production and Marketing Branch of the Department of Agriculture. This certificate is issued when the product is named under the Pest Control Products Regulations.

**RECORDS WHICH MUST BE KEPT:**

A record of all quantities of the product named in the certificate that have been:

- o stored
- o manufactured or
- o sold

must be kept.

**DISCLOSURE:**

This record must be made available to the Director at his or her request at such time and in such manner as the Director may require.

**RETENTION PERIOD:**

Five years from the time the record is made.

**PENALTY:**

Every person who fails to comply with these requirements is guilty of an offence punishable:

- o on summary conviction by a fine not exceeding \$500 or imprisonment for six months or both or
- o on indictment and is liable to imprisonment for 2 years.

\* \* \*

**STATUTE:** Consumer Packaging and Labelling Act, s. 13.

**DEPARTMENT:** Consumer and Corporate Affairs

This Act does not require that any particular record or records be kept. It does provide that an inspector may enter and examine any premises in which a prepackaged product is stored and examine any books, records, reports, bills of lading, shipping bills or any other documents he/she believes contain information relevant to the enforcement of the Consumer Packaging and Labelling Act.

Prepackaged Product: Any product packaged in a container in such a manner that it is ordinarily sold to a consumer without being repackaged.

\* \* \*



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STATUTE: Excise Tax Act, ss. 2, 57.

DEPARTMENT: National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to everyone who must pay or collect taxes or affix or cancel stamps under the Excise Tax Act.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be maintained in English or French at the place of business in Canada that contain the following information:

- o whatever is required to allow the amount of taxes or other sums that should be paid or collected to be calculated
- o whatever is required to allow the amount of stamps that should be affixed or cancelled to be determined.

Every record or book of account and all accounts and vouchers necessary to verify these records must be kept until the Minister gives written permission to destroy.

DISCLOSURE:

In all cases, at all reasonable times these records and books of account must be available for inspection by officers of the Department of National Revenue and any other person authorized by the Minister.

These officers or other people may seize, take away and retain the books of account, records, accounts and vouchers if they believe there has been a violation of the Excise Tax Act.

RETENTION PERIOD:

Any record, book of account, voucher and account may only be destroyed with written permission of the Minister.

PENALTY:

Anyone who prevents inspection by the authorized officers is guilty of an offence. Punishment is a fine of \$200 to \$2,000 inclusive, and/or imprisonment for up to and including six months.

The Minister may prescribe the form in which these records must be kept. Failure to keep records in the prescribed form is an offence. The punishment is a fine between \$25 and \$1,000 inclusive. Failure to pay the fine can result in imprisonment for two months to twelve months, inclusive.



Failure to keep records and books of account allows the Minister to assess the taxes or sums that had to be paid, or the amount of stamps that had to be affixed or cancelled. The sums, taxes and amounts will be deemed to be due and payable.

Everyone who destroys, alters or mutilates records or books of account, or who makes, assents or acquiesces in the making of false or deceptive entries is guilty of an offence. The penalty is:

- o an amount that is not less than double the amount of taxes or sums due or stamps that should have been affixed or cancelled plus \$100 and not more than double the amount of taxes or sums due or stamps that should have been affixed or cancelled plus \$1,000.

In default of payment, the punishment is imprisonment for three months to twelve months, inclusive.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, ss. 116, 119.

STATUTE: Animal Disease and Protection Act, s. 48

DEPARTMENT: Agriculture

#### APPLICATION:

These requirements apply to every person who operates an animal semen production centre.

#### RECORDS WHICH MUST BE KEPT:

For each animal the following information must be recorded:

- o date on which the animal was admitted to the centre
- o name and address of the owner or the person from whom the animal was purchased
- o a certificate that the animal was tested, and proved negative for:

- tuberculosis
  - brucellosis
  - leptospirosis

and, these additional tests in the case of:

(a) a bovine:

- bluetongue
  - leucosis

paratuberculosis  
vibrosis  
trichomoniasis

(b) a porcine animal:

transmissible gastroenteritis  
Aujeszky's disease

(c) a goat:

bluetongue

and any other disease that the Minister may specify within thirty days preceding the date of admission

- o the date on which the animal was released from the centre and the disposition made of it
- o the dates on which semen was collected from each animal, the quantity collected and stored in the centre, identified by animal.

#### DISCLOSURE:

These records must be produced for examination by an authorized inspector on request.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to produce records for examination by an inspector is an offence punishable on summary conviction by a fine not exceeding \$500 or by imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: Ontario Apple Information (Interprovincial and Export) Regulations ss. 2, 3, 4, 5, 6.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT: Agriculture

#### APPLICATION:

These requirements apply to everyone in Ontario who is engaged in the production or marketing of Ontario-grown apples to be sold outside Ontario unless the apples are grown in:

- o the territorial districts of Ontario

OR

- o the provisional county of Haliburton.

#### RECORDS WHICH MUST BE KEPT:

All information relating to the:

- o production
- o sale
- o purchase
- o transporting
- o receiving or
- o processing

of apples must be kept.

#### DISCLOSURE:

All books and records must be produced for inspection upon the request of an Officer or person appointed by the Ontario Apple Marketing Commission.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply with the above is punishable, on summary conviction, by a fine not in excess of \$500 or imprisonment for a term not exceeding three months or both.

\* \* \*

REGULATIONS: Ontario Grapes-for-Processing Information (Interprovincial and Export) Regulations, ss. 2, 3, 4, 5, 6.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT: Agriculture

#### APPLICATION:

These requirements apply to everyone in Ontario who is engaged in the production or marketing of Ontario-grown grapes to be sold for processing outside Ontario.

RECORDS WHICH MUST BE KEPT:

(i) Records of all matters relating to the production or marketing of grapes must be kept.

(ii) Producers must also keep:

- o copies of the dealer's original records of the varieties, grades and weights of the grapes supplied by the dealer
- o signed copies of the dealer's weight slips.

(iii) Dealers must also keep:

- o records of the varieties, grades and weights of the grapes delivered to him/her.

DISCLOSURE:

Every person engaged in the production or marketing of grapes shall, when requested to do so by a member of the Ontario Grape Grower's Marketing Board, produce the books and records in his/her possession relating to the handling of the grapes by him or her.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above is punishable, on summary conviction, by a fine of not more than \$500 or by imprisonment for a term not exceeding three months or both.

\* \* \*

REGULATIONS: Saskatchewan Hog Information (Interprovincial and Export) Regulations, ss. 2, 3, 4.

STATUTE: Canada Agricultural Products Marketing Act, s. 4

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person engaged in the marketing of hogs raised in Saskatchewan and destined for interprovincial or export trade.



RECORDS WHICH MUST BE KEPT:

Complete records of all matters relating to the marketing of hogs must be kept.

DISCLOSURE:

Any member or authorized representative of the Commission (Hog) may inspect the books and records required to be maintained.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the requirements outlined above is punishable, on summary conviction, by a fine of not more than \$500 or six months imprisonment or both.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, s. 94.

STATUTE: Animal Disease and Protection Act

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person conducting a public sale, auction or market of livestock.

RECORDS WHICH MUST BE KEPT:

A record containing the names of the consignor and purchaser of every animal sold at the sale, auction or market must be kept.

DISCLOSURE:

An authorized inspector may examine these records on request.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the requirements outlined above is punishable, on summary conviction by a fine of not more than \$500 or imprisonment for six months or both.

\* \* \*

STATUTE: Maple Products Industry Act, ss. 2, 3, 6, 7, 9, 10, 14, 15, 17.

DEPARTMENTS: Agriculture, Consumer and Corporate Affairs

APPLICATION:

These requirements apply to anyone carrying on the business of buying maple products and packing, bottling or treating them in any way before selling them again. Maple products are defined as any product or preparation prepared directly or indirectly from the sap of the maple.

RECORDS WHICH MUST BE KEPT:

Every owner or operator of a manufacturing or packing plant must keep a record of:

- o all maple products
- o the names and addresses of those who sold the products to him or her and those to whom the products were sold (all vendors and purchasers of the maple products).

These records must be in a form prescribed by the Minister of Agriculture.

DISCLOSURE:

The Minister of Consumer and Corporate Affairs may designate anyone as an inspector under this Act. The inspectors may enter manufacturing and packing plants to examine all books and records.

RETENTION PERIOD:

Not specified.

PENALTY:

It is an offence to obstruct an inspector or to refuse to produce records for examination. The punishment for:

- o a first offence is a fine of between \$10 and \$300 or imprisonment for up to three months or both
- o subsequent offences is a fine of between \$25 and \$500 or imprisonment for up to six months or both.

\* \* \*

REGULATIONS: Stockyards Regulations, s. 31.

STATUTE: Livestock and Livestock Products Act, s. 29

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every owner or operator of a packers yard.

Packer's Yard: any enclosed place operated by any packer and used in connection with receiving, holding or weighing livestock for slaughter or for marketing or shipment for slaughter.

RECORDS WHICH MUST BE KEPT:

A record must be maintained of the:

- o origin
- o class
- o volume
- o quality
- o purchase price

of all livestock received.

DISCLOSURE:

An authorized inspector may require the production for inspection of all books and records relating to the operation of the packer's yard.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to keep records in the prescribed form is punishable on summary conviction:

- o for a first offence, by a fine of not less than \$100.
- o in the case of a second or subsequent offence, by a fine of not less than \$100 or by imprisonment for a term of not less than one month and not more than six months or by both fine and imprisonment.

\* \* \*

REGULATIONS: Hatchery Regulations, s. 19

STATUTE: Livestock and Livestock Products Act, s. 29

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any hatcheryman.

Hatchery: any place, building, or premises equipped with an incubator capacity of one thousand or more eggs.

RECORDS WHICH MUST BE KEPT:

The following records must be maintained:

- (i) A record of each lot of eggs purchased or accepted for incubation or shipped to another hatchery for hatching.
- (ii) A record of each lot of eggs set in the hatchery and each lot of chicks hatched for each hatch.
- (iii) A record containing the names and addresses of all persons involved and the number of eggs or chicks involved in the above transactions.
- (iv) A record of the disposition of all unsold chicks.

DISCLOSURE:

An inspector designated under the Act may require the production for inspection of all books and records pertaining to chicks or poultry.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the records described is punishable on summary conviction:

- o for a first offence by a fine of not less than \$100.
- o in the case of a second or subsequent offence, by a fine of not less than \$100 or by imprisonment for a term of not less than one month and not exceeding six months or by both fine and imprisonment.



REGULATIONS: Stockyard Regulations, ss. 10, 11, 27, 31.

STATUTE: Livestock and Livestock Products Act, s. 29

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any owner or operator of a stockyard.

Stockyard: any area of land in operation as a public market for the sale of livestock declared to be a stockyard by the Minister of Agriculture.

RECORDS WHICH MUST BE KEPT:

- o origin
- o owner
- o number
- o kind

of all livestock in each shipment.

(ii) A record must be kept of all sales.

(iii) A record must be kept of all orders for purchases.

DISCLOSURE:

An authorized inspector may require the production for inspection of all books, records and other documents related to the conduct of the stockyard.

Every cooperative association and commission merchant operating a stockyard must produce for inspection, upon request, all orders for the purchase of livestock.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to keep records in the prescribed form is punishable on summary conviction:

- o for a first offence by a fine of not less than \$100
- o in the case of a second or subsequent offence by a fine of not less than \$100 or by imprisonment for a term not less than one month and not more than six months or by both fine and imprisonment.

REGULATIONS: B.C. Turkey Marketing Board (Interprovincial and Export) Order, ss. 2, 3.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person engaged in the raising of any class of turkey for meat or egg production in the area covered by the B.C. Turkey Marketing scheme and destined for interprovincial or international trade.

RECORDS WHICH MUST BE KEPT:

Accurate books and records, in English, containing information regarding the:

- o production
- o processing
- o packing
- o storing
- o transporting
- o marketing

of the turkeys by him/her must be maintained.

DISCLOSURE:

Any person authorized by the B.C. Turkey Marketing Board may enter and inspect the premises where turkeys are raised and demand the production of any of the information required to be maintained in the form of books and records.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the books and records as prescribed or to grant an inspector access is an offence punishable on summary conviction. If found guilty, a person is liable to a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both.

\* \* \*

REGULATIONS: P.E.I. Vegetable Information (Interprovincial and Export) Regulations, ss. 2, 3, 4, 5.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT Agriculture

APPLICATION:

These requirements apply to everyone in Prince Edward Island who is engaged in the production or marketing of P.E.I.-grown turnips to be marketed outside P.E.I..

RECORDS WHICH MUST BE KEPT:

Records must be maintained of all matters relating to the production or marketing of turnips by him/her.

DISCLOSURE:

Information must be furnished and records produced for inspection on the request of an Officer or authorized representative of the P.E.I. Vegetable Marketing Board.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above provisions is punishable, on summary conviction, by a fine of not more than \$500 or to imprisonment for a term not exceeding three months or both.

\* \* \*

STATUTE: Two Price Wheat Act, ss. 10, 11.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every:

- o miller
- o processor
- o manufacturer

- o dealer or
- o other person in Canada

who purchases wheat for human consumption in Canada as wheat or a wheat product from a

- o producer outside the designated area and any area(s) for which boards have been set up for this Act
- o miller
- o processor
- o manufacturer
- o dealer or
- o other such person.

#### RECORDS WHICH MUST BE KEPT:

Records and books of account should be kept at the place of business in Canada in such form and containing such information as will allow the number of bushels of wheat purchased by him/her from each:

- o producer
- o miller
- o processor
- o manufacturer
- o dealer or
- o other person to be determined

to be calculated.

Because of the disclosure requirements it appears that all accounts and vouchers necessary to verify the information in the records and books of account must be kept as well.

#### DISCLOSURE:

The records and books of account and accounts and vouchers necessary to verify the records and books of account must be available to anyone authorized by the Minister of Agriculture.

All reasonable assistance must be given.

#### RETENTION PERIOD:

These records must be retained for six years. Records may be destroyed before that time with the written permission of the Minister.

#### PENALTY:

It is an offence to fail to keep records, books, accounts or vouchers. It is also an offence to fail to disclose this information, or to give assistance to anyone authorized by the Minister.



The penalty is punishment on summary conviction by a fine not exceeding \$5,000 or imprisonment not exceeding six months or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, G.02.016, G.02.024.

STATUTE: Food and Drugs Act, s. 26

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any licensed dealer supplying controlled (Schedule G) drugs to:

- o a licensed dealer
- o a pharmacist
- o a practitioner
- o a hospital
- o the Regional Director of the Health Protection Branch of the Department of National Health and Welfare
- o a person authorized by the Minister to acquire a controlled drug.

Schedule G drugs are:

- o Amphetamine and its salts
- o Barbituric acid and its salts and derivatives
- o Benzphetamine and its salts
- o Butorphanol
- o Methamphetamine and its salts
- o Methaqualone and its salts
- o Pentazocine and its salts
- o Phendimetrazine and its salts
- o Phenmetrazine and its salts
- o Thiobarbituric acid and its salts and derivatives.

RECORDS WHICH MUST BE KEPT:

The following records must be kept:

- o the written order authorizing the sale of the controlled drug
- o the order as sent by computer
- o in the case of a verbal order, a record of the following information:
  - o the name of the person to whom the preparation is to be supplied
  - o if the order is made on behalf of a hospital, the name of the pharmacist in charge of the dispensary or the name of the physician authorized by the hospital to sign such an order
  - o the date the order was received.

DISCLOSURE:

See the disclosure provisions on page 262.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or by imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for a term not exceeding three years or both.

\* \* \*

REGULATIONS: Narcotic Control Regulations, ss. 2, 9, 13, 15, 16, 17, 18, 71.

STATUTE: Narcotic Control Act, s. 2.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any person who holds a license for the sale, manufacture, production and distribution of a narcotic. The license specifies which of these activities is permitted. It is issued by the Minister of National Health and Welfare.

Narcotics are defined as any substance included in the Schedule to the Narcotic Control Act or anything that contains any substance included in the Schedule. The Schedule is reproduced on pages 144 - 148.

RECORDS WHICH MUST BE KEPT:

When narcotics are received:

- o the name and quantity of any narcotic received
- o the name and address of the person supplying it
- o the date it was received.

When narcotics are supplied:

- o the name, quantity and form of narcotic supplied
- o the name and address of the person to whom it was supplied
- o the date it was supplied.

When narcotics are manufactured or used in manufacturing:

- o the name and quantity of any narcotic used in manufacturing
- o the name and quantity of any narcotic manufactured
- o the date it was placed in stock.

In all cases the name and quantity of each narcotic in stock at the end of each month must be recorded. Records must be kept in a manner that allows an audit to be made at any time.

DISCLOSURE:

Dealers must:

- o give the Minister of National Health and Welfare any information about the dealings in narcotics of any person
- o produce to an inspector any books, records or documents that are kept
- o permit an inspector to take extracts from and make copies of books, records or documents and
- o permit an inspector to check all stocks or narcotics located on the premises described in the license.

RETENTION PERIOD:

In all cases, the records must be kept for two years.

PENALTY:

The penalty for violating any provision of the Narcotic Control Regulations is a fine not exceeding \$500 or a term of imprisonment not exceeding six months or both. It is a summary conviction offence.

\* \* \*

REGULATIONS: Food and Drugs Regulations, ss. C.04.076, C.04.078, C.04.102, C.04.237.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These regulations apply to everyone who manufactures:

- (a) Bacille Colmetto-Guerin Vaccine

(b) Virus or Rickettsial Vaccines

(c) Preparations from human sources (i.e., pooled blood plasma, blood serum or fractions of either separated by an approved method).

RECORDS WHICH MUST BE KEPT:

For (a) above:

- o records must be kept of the number of viable organisms in each lot of Bacille Colmetto-Guerin vaccine
- o continuous clinical records must be kept of the use of B.C.G. in humans

For (b) above:

- o detailed protocols must be kept of:
  - o safety
  - o sterility
  - o identity
  - o potency
  - o such other tests of each lot as were carried out to ensure that the drug is safe for use.

For (c) above:

- o complete records must be kept of all donors including a certificate from a qualified medical practitioner stating that the donor was in good health at the time the donation was made.

DISCLOSURE:

An Inspector appointed under the Food and Drugs Act may:

- o enter any premises in which a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require the person in charge to furnish him/her with any additional information he/she may require.

The person in charge of premises under inspection by a Food and Drugs inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.



RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or imprisonment for a term not exceeding 3 months or both
- o on summary conviction for a second or subsequent offence by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, ss. C.01.049, C.01.065, C.01.067, C.01.068.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (a) Any manufacturer who distributes a drug as a sample.
- (b) Any manufacturer of a drug designed for parenteral use.
- (c) Manufacturers of drugs designed for parenteral use where the individual dose recommended exceeds 5 millilitres except:
  - o drugs that are inherently pyrogenic OR
  - o drugs that cannot be tested for the presence of pyrogens.

RECORDS WHICH MUST BE KEPT:

For (a) a record must be kept showing:

- o the name, address and description of the person to whom the drug was distributed
- o the name, quantity and form of the drug distributed
- o the date upon which each distribution was made.

For (b) a record must be kept of:

- o the tests conducted on a representative sample of each lot for identity and sterility
- o the results of such further tests of representative samples as are necessary to ensure that the drug is safe for use.

For (c) records must be kept of:

- o tests of representative samples in their final containers for the presence of pyrogens.

#### DISCLOSURE:

An Inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require the person in charge to furnish him/her with any information he/she may require.

The person in charge of a premises being inspected by a Food and Drugs Inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

#### RETENTION PERIOD:

For (a) above, two years from the date the distribution was made.

For (b) above, five years.

For (c) above, five years.

#### PENALTY:

Failure to comply with these provisions is punishable:

- o on summary conviction for a first offence by a fine of \$500 or by imprisonment for three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

REGULATIONS: Food and Drugs Regulations, ss. C.08.005, C.08.007, C.08.008.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (i) Every manufacturer selling a new drug to investigators for the purpose of clinical testing.
- (ii) Every manufacturer who has received a notice of compliance in respect of a new drug submission.

New drugs are defined as:

- (a) a drug that contains or consists of a substance, whether as an active or inactive ingredient, carrier, coating, excipient, menstruum or other component, that has not been sold as a drug in Canada for sufficient time and in sufficient quantity to establish in Canada the safety and effectiveness of that substance for use as a drug
- (b) a drug that is a combination of two or more drugs, with or without other ingredients, and that has not been sold in that combination or in the proportion in which those drugs are combined in that drug, for sufficient time and in sufficient quantity to establish in Canada the safety and effectiveness of that combination and proportion for use as a drug
- (c) a drug, with respect to which the manufacturer prescribes, recommends, proposes or claims a use as a drug, or a condition of use as a drug, including dosage, route of administration, or duration of action and that has not been sold for that use or condition of use in Canada, for sufficient time and in sufficient quantity to establish in Canada the safety and effectiveness of that use or condition of use of that drug.

RECORDS WHICH MUST BE KEPT:

For (i) above, in order to be able to make such a sale, the manufacturer must provide adequate records of any previous distribution of the drug to investigators and the results of their clinical testing. By implication, therefore, such records must be maintained in respect of the sale in question.

For (ii) above, the manufacturer must establish records including adequately indexed and organized files containing:

- (a) animal or clinical experience studies, investigations and tests conducted by the manufacturer or reported to him/her concerning the new drug
- (b) reports from the scientific literature that is available to him/her concerning the new drug
- (c) any substitution of another substance for that new drug or any mixing of another substance with that new drug

- (d) experience, investigation, studies and tests involving the physical or chemical properties of that new drug
- (e) any errors in labelling the new drug or in the use of labels designed for the new drug
- (f) any bacteriological or any significant chemical, physical or other change or deterioration in any lot of the new drug
- (g) any failure of one or more of the lots to meet the specifications established for that drug in the new drug submission upon which the notice of compliance was issued
- (h) any unexpected side effects, injuries, toxicity or sensitivity reaction associated with the clinical uses, studies, investigations and tests associated with the new drug
- (i) any unusual failure of the drug to produce its usual pharmacological activity.

DISCLOSURE:

No manufacturer may sell a new drug unless he/she provides, with respect to all previous sales of that drug, the information noted above, at the time specified below for each particular piece of information:

- (i) With respect to (a) and (b) above, upon request by the Director duplicates of the records must be made available.
- (ii) With respect to (c), (d) and (e), immediately upon receipt of the information duplicates of the records must be made available.
- (iii) With respect to (f), (g), (h) and (i), as soon as possible and at least within fifteen working days of the receipt of the information records must be available.

RETENTION PERIOD:

Not specified.

PENALTY:

See the penalty provisions on page 263.

\* \* \*

REGULATIONS: Pest Control Products Regulations, ss. 2, 26.

STATUTE: Pest Control Products Act, s. 10

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person in whose name a certificate of registration is issued. A certificate of registration is a certificate issued by the Director of the Plant Products Division of the Production and Marketing Branch of the Department of Agriculture. This certificate is issued when the product is named under the Pest Control Products Regulations.



#### RECORDS WHICH MUST BE KEPT:

A record of all quantities of the product named in the certificate that have been:

- o stored
- o manufactured or
- o sold

must be kept.

#### DISCLOSURE:

This record must be made available to the Director at his or her request at such time and in such manner as the Director may require.

#### RETENTION PERIOD:

Five years from the time the record is made.

#### PENALTY:

Every person who fails to comply with these requirements is guilty of an offence punishable:

- o on summary conviction by a fine not exceeding \$500 or imprisonment for six months or both or
- o on indictment and is liable to imprisonment for 2 years.

\* \* \*

REGULATIONS: Food and Drugs Regulations, ss. C.03.004, C.03.005, C.03.009.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to:

- (a) Anyone manufacturing Schedule C drugs in Canada under a Canadian licence.
- (b) Anyone manufacturing Schedule C drugs outside Canada under a Canadian licence.

#### Schedule C drugs are:

- o liver extract injectable
- o liver extract injectable with other medication
- o liver extract injectable crude
- o liver extract injectable crude with other medication

- o insulin
- o insulin made from zinc-insulin crystals
- o protamine zinc insulin
- o globin insulin with zinc
- o N.P.H. insulin, isophane insulin
- o anterior pituitary extracts
- o radiopharmaceuticals
- o insulin zinc suspension
- o human post menopausal urinary gonadotrophins
- o aprotinin for parenteral use.

#### RECORDS WHICH MUST BE KEPT:

For (a) above, each manufacturer must maintain records in a satisfactory form respecting:

- o the date of manufacture of each lot of the drug
- o details of the testing and distribution of each lot of the drug.

For (b) above, a representative in Canada whose name should be furnished to the Minister of National Health and Welfare must maintain satisfactory records of the distribution of the drug in Canada.

#### DISCLOSURE:

As a condition of the issuance or continuance of the license to manufacture a Schedule C drug the Minister may require an inspection of the records relevant to the drug at any time during the normal business hours of the manufacturer.

The representative of a company manufacturing Schedule C drugs outside Canada under a Canadian license is subject to the same powers of inspection.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply with the above provisions regarding the maintenance of records or failure to grant a duly authorized inspector access is punishable:

- o on summary conviction for a first offence by a fine not exceeding \$500 or by imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for a term not exceeding three years or both.

REGULATIONS: Food and Drugs Regulations, ss. C.04.005, C.04.006, C.04.010, C.04.015, C.04.017.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (a) Anyone manufacturing Schedule D drugs in Canada under a Canadian license.
- (b) Anyone manufacturing Schedule D drugs outside Canada under a Canadian license.

Schedule D drugs are:

Drugs, other than antibiotics, prepared from micro-organisms, sera and drugs . analogous thereto, and antibiotics for parenteral use.

RECORDS WHICH MUST BE KEPT:

For (a) above, each manufacturer must keep records for each lot of the drug respecting its:

- o manufacture
- o testing
- o distribution

including the date on which each of the above took place.

In addition, all necropsy records of all animals that die or are killed after being used in the production of the drug must be preserved.

All protocols of all tests carried out on the drug prior to its being sold must be preserved.

For (b) above, a representative in Canada (whose name should be supplied to the Minister) must keep satisfactory records of the distribution of the drug in Canada.

DISCLOSURE:

As a condition of the issuance or continuance of a license to manufacture Schedule D drugs, the Minister may require an inspection of the records relevant to the drug at any time during normal business hours.

The Canadian representative of a foreign manufacturer of Schedule D drugs is subject to the same powers of inspection described above.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the above provisions is punishable:

- o on summary conviction for a first offence by a fine of \$500 or by imprisonment for three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for a term not exceeding three years or both.

\* \* \*

REGULATIONS: Food and Drugs Regulations, s. C.05.065.

STATUTE: Food and Drugs Act, s. 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to every manufacturer of Schedule E drugs. Schedule E drugs are:

Sensitivity discs and tablets (Absorbent material or tablets impregnated with one or more active ingredients consisting of antibiotics, sulphonamides and any salt, homologue or derivative thereof, or other preparations that possess inhibitory action on the growth of micro-organisms).

RECORDS WHICH MUST BE KEPT:

Records in satisfactory form respecting the manufacture, testing and distribution of each lot of sensitivity discs or tablets manufactured must be maintained.

DISCLOSURE:

These records must be made available to the Minister on request.

In addition, an inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored



- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require any person in charge to furnish him/her with any information he/she may require.

The person in charge of a premises being inspected by a Food and Drug Inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with any of the provisions outlined above is punishable:

- o on summary conviction for a first offence by a fine not in excess of \$500 or by imprisonment for a term not exceeding three months or both
- o on summary conviction for a second offence by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six months or both
- o on indictment by a fine of not more than \$5,000 or imprisonment for three years or both.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, s. 129.

STATUTE: Animal Disease and Protection Act, s.48.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every holder of a product license issued by the Minister to manufacture a veterinary biologic.

Veterinary Biologic: any substance or mixture of substances derived from animals, helminths, protozoa or micro-organisms, manufactured, sold or represented for use in:

- (a) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state or the symptoms thereof, in animals or
- (b) restoring, correcting or modifying organic functions in animals.

#### RECORDS WHICH MUST BE KEPT:

Records must be kept respecting the:

- o preparation
- o manufacture
- o preservation
- o storage
- o testing
- o sale
- o distribution

of any veterinary biologic manufactured by him/her.

#### DISCLOSURE:

These records must be made available for inspection upon the request of a veterinary inspector.

#### RETENTION PERIOD:

These records must be kept for at least two years following the expiration date of the veterinary biologic.

#### PENALTY:

Failure to produce the records for inspection is an offence punishable on summary conviction by a fine not exceeding \$500 or imprisonment for a term not in excess of six months or both.

\* \* \*

REGULATIONS: Pharmacists Regulations, ss. 2, 3.

STATUTE: Excise Act

DEPARTMENT: National Revenue (Customs and Excise)

#### APPLICATION:

These requirements apply to pharmacists licensed under the Excise Act.

Please note that you must also comply with the requirements "everyone who carries on a business subject to excise" on page 136.

#### RECORDS WHICH MUST BE KEPT:

Records must be kept containing the following information:

- o particulars of each lot of spirits received by him/her from a distiller or a distiller's bonding warehouse or from a provincial Liquor Control Board or commission, including:
  - o the date of receipt
  - o the name and address of the supplier
  - o the strength of the spirits received
  - o the quantity of the spirits received
- o particulars of each operation in which the spirits are used, including:
  - o the date used
  - o the number of the prescription dispensed or the name of the pharmaceutical preparation made
  - o the quantity of spirits used.

#### DISCLOSURE:

See the disclosure provisions on page 136.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

See the penalty provisions on pages 137 and 138.

\* \* \*

It should be noted that the provisions of the Food and Drugs Act in this area of records retention by Pharmacists are enforced largely by the Professional Associations within each province. These Associations may impose requirements in addition to the ones noted on the following pages. The Handbook purports to cover only those requirements imposed by the federal government and therefore does not include any regulations that may have been promulgated at the provincial level.

REGULATIONS: Food and Drug Regulations, C.01.041, C.01.042.

STATUTE: Food and Drugs Act, ss. 22, 26.

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to any Pharmacist filling or refilling a prescription for a Schedule F drug. For a list of Schedule F drugs, see page 278.

#### RECORDS WHICH MUST BE KEPT:

The following information must be kept in a suitable record of prescriptions kept under the name of each patient or entered on the original prescription:

- o the date of filling
- o the date of each refill
- o the quantity of the drug dispensed at each filling or refill
- o the name of the person filling the prescription.

In the case of a verbal order, a record of the order must be kept, containing the following information:

- o the date and number of the prescription
- o the name and address of the person for whose benefit the prescription was given
- o the name and quantity of the drug dispensed
- o the name of the practitioner who issued the prescription
- o the name of the person filling the prescription
- o the direction given with the prescription, including the number of times it may be refilled.

#### DISCLOSURE:

An Inspector may, at any reasonable time:

- o enter any premises where on reasonable grounds he/she believes any article to which the Act applies is manufactured, prepared or stored
- o examine any books, records and documents and make copies and extracts therefrom.

The owner or person in charge of a premises which is being subjected to an inspection must:

- o give the inspector all reasonable assistance in his/her power and furnish him/her with such additional information as he may require
- o not obstruct the inspector in the execution of his/her duties, make any false or misleading statement either verbally or in writing.

#### RETENTION PERIOD:

These records must be retained for two years from the date of filling the prescription.



**PENALTY:**

Any person who violates any provision of the Act or Regulations is guilty of an offence and liable:

- o on summary conviction for a first offence to a fine not exceeding \$500 or to imprisonment for three months or both
- o on summary conviction for a second or subsequent offence to a fine not exceeding \$1,000 or to imprisonment for up to six months or both
- o on conviction upon indictment to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding three years or both.

\* \* \*

**REGULATIONS:** Food and Drugs Regulations, ss. C.01.041.2, C.01.041.3.

**STATUTE:** Food and Drugs Act, ss. 22, 26

**DEPARTMENT:** National Health and Welfare

**APPLICATION:**

These requirements apply to any Pharmacist transferring a prescription for a Schedule F drug to another pharmacist. For a list of Schedule F drugs, see page 278.

**RECORDS WHICH MUST BE KEPT:**

The date of the transfer must be noted:

- o on the original of the prescription or
- o on a record of prescriptions kept under the name of each patient.

**DISCLOSURE:**

See the disclosure provisions under the Food and Drugs Act on page 274.

**RETENTION PERIOD:**

Two years from the date of the transfer.

**PENALTY:**

See the penalty provisions under the Food and Drugs Act above.

\* \* \*

REGULATIONS: Food and Drug Regulations, ss. C.01.041.2, C.01.041.3.

STATUTE: Food and Drugs Act, ss. 22, 26

DEPARTMENT: National Health and Welfare

#### APPLICATION:

These requirements apply to:

- (i) A Pharmacist to whom a prescription for a Schedule F drug has been transferred in writing.
- (ii) A Pharmacist to whom a prescription for a Schedule F drug has been transferred verbally.

For a list of Schedule F drugs, see page 278.

#### RECORDS WHICH MUST BE KEPT:

- (i) The Pharmacist must obtain and keep a record of:
  - o the name and address of the transferring pharmacist
  - o the number of authorized refills remaining and the date of the last refill
  - o a copy of the prescription or the original verbal order as reduced to writing.
- (ii) In the case of a verbal transfer, a record must be kept containing the following information:
  - o the date and number of the prescription
  - o the name and address of the person for whose benefit the prescription was given
  - o the name and quantity of the drugs dispensed
  - o the name of the practitioner who issued the prescription
  - o the name and address of the person filling the prescription
  - o the directions given with the prescription, including the number of times it may be refilled.

#### DISCLOSURE:

See the disclosure provisions under the Food and Drugs Act on page 274.

#### RETENTION PERIOD:

The records described above must be retained for two years from the date of the transfer.

#### PENALTY:

See the penalty provisions under the Food and Drugs Act on page 275.

REGULATIONS: Food and Drugs Regulations, C.01.043.

STATUTE: Food and Drugs Act, ss. 22, 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any pharmacist who sells a Schedule F drug without a prescription to:

- o a Department of the Federal government
- o a Department of a Provincial government
- o any person

on the strength of a written order from the Department of National Health and Welfare.

For a list of Schedule F drugs, see page 278.

RECORDS WHICH MUST BE KEPT:

The written order for the sale of a Schedule F drug without a prescription issued by the Director at National Health and Welfare must be retained.

DISCLOSURE:

See the disclosure provisions under the Food and Drugs Act on page 274.

RETENTION PERIOD:

Two years from the date of issue.

PENALTY:

See the penalty provisions under the Food and Drugs Act on page 275.

\* \* \*

REGULATIONS: Food and Drugs Regulations, C.01.043.

STATUTE: Food and Drugs Act, ss. 22, 26.

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any pharmacist who sells a Schedule F drug without a prescription to:

- o a drug manufacturer
- o a medical practitioner
- o a wholesale druggist
- o a registered pharmacist
- o a hospital certified by the Department of National Health and Welfare

See below for a list of Schedule F drugs.

#### RECORDS WHICH MUST BE KEPT:

The written order for the sale of a Schedule F drug without a prescription issued by the Director at National Health and Welfare must be retained.

#### DISCLOSURE:

See the disclosure provisions under the Food and Drugs Act on page 274.

#### RETENTION PERIOD:

Two years from the date of issue.

#### PENALTY:

See the penalty provisions under the Food and Drugs Act on page 275.

THE TWO PRECEDING SECTIONS ARE THE ONLY INSTANCES IN WHICH SCHEDULE F DRUGS MAY BE SOLD WITHOUT A PRESCRIPTION.

\* \* \*

### SCHEDULE F Part I

#### Item No.

- A.1 Aconiazid and its salts
- A.2 Allopurinol
- A.2.1 Alphadolone and its salts
- A.2.2 Alphaxalone
- A.3 Amantadine and its salts
- A.4 Aminocaproic acid
- A.5 Aminogluthethimide
- A.6 4-amino-N-methylpteroyl glutamic acid and its salts
- A.7 Aminopterin and its salts
- A.8 4-amino-pteroyl aspartic acid and its salts
- A.9 Amitriptyline and its salts
- A.10 Antibiotics, the following and their salts and derivatives:
  - (a) (i) Actinomycin D
  - (ii) Amikacin
  - (iii) Amphotericin B
  - (iv) Ampicillin



SCHEDULE F  
Part I  
(Continued)

Item No.

- (b) (i) Benzithine penicillin
- (b) (ii) Bleomycin
- (c) (i) Candicidin
- (c) (ii) Capreomycin
- (c) (iii) Carbenicillin
- (c) (iv) Carbomycin
- (c) (v) Cephalosporin C
- (c) (vi) Chloramphenicol
- (c) (vii) Cloxacillin
- (c) (viii) Cycloserine
- (d) Dicloxacillin
- (g) Gentamicin
- (h) Hetacillin
- (m) Methicillin
- (n) Nafcillin
- (o) Oxacillin
- (r) Rifampin
- (t) Tobramycin
- (v) (i) Vancomycin
- (v) (ii) Viomycin
- A.11 Anticoagulants, the following:
  - (a) Bishydroxycoumarin and its salts and derivatives
  - (b) 4-hydroxycoumarin and its derivatives when sold or recommended anticoagulants
  - (c) Phenylindanedione and its derivatives
- A.12 Apiol, oil of
- A.13 L-Asparaginase
- A.14 Azaribine
- A.15 Azatidine and its salts
- B.1 Bemegride
- B.2 Bendazac and its salts
- B.3 Benzoyl peroxide
- B.4 Betahistine and its salts
- B.5 Bethanidine and its salts
- B.5.1 Boldenone undecylenate
- B.6 Bretylium tosylate
- B.7 Bromal and the following derivatives:
  - (a) Bromal hydrate
  - (b) Brometone
  - (c) Bromoform
- B.8 Bromides, the following:
  - (a) Ammonium bromide
  - (b) Calcium bromide

SCHEDULE F  
Part I  
(Continued)

Item No.

- (c) Calcium bromolactobionate
- (d) Potassium bromide
- (e) Sodium bromide
- (f) Strontium bromide
- B.9 Bromocriptine
- B.10 Busulian
- C.1 Calcitonin
- C.2 Calcium carbimide
- C.3 Carbamazepine
- C.4 Carbenoxolone and its salts
- C.4.1 Carbimazole
- C.5 Carbomal and the following derivatives:
  - (a) Acetylcarbromal
  - (b) Allylisopropylacetylurea
  - (c) Bromisoval
  - (d) Diethylbromacetamide
- C.6 Carisoprodol
- C.7 Carmustine
- C.8 Centella asiatica extract and active principles thereof
- C.9 Chloral and the following derivatives:
  - (a) Alpha-chloralose
  - (b) Butyl chloral hydrate
  - (c) Chloralfomamide
  - (d) Chloral hydrate
  - (e) Chloralimide
- C.10 Chlorambucil and its salts and derivatives
- C.11 Chlorcyclizine (except in preparations for external use only)
- C.12 Chlordiazepoxide and its salts
- C.13 Chlorisondamine and its salts
- C.14 Chlormezanone
- C.15 Chloroquine and its salts
- C.16 Chlorphentermine and its salts
- C.17 Chlorprothixene and its salts
- C.18 Cincophen and its salts
- C.19 Revoked by P.C. 1977-2431 of August 31, 1977
- C.20 Clofibrate
- C.21 Clomiphene and its salts
- C.22 Clomipramine and its salts
- C.22.1 Clonazepam and its salts
- C.23 Clonidine and its salts
- C.23.1 Cloprostenol and its salts and derivatives
- C.24 Clorazepic acid and its salts
- C.25 Clotrimazole and its salts
- C.26 Cromoglycic acid and its salts

SCHEDULE F  
Part I  
(Continued)

Item No.

- C.26.1 Cyclobenzaprine and its salts
- C.27 Cyclophosphamide
- C.28 Cytarabine and its salts
- D.1 Dacarbazine
- D.2 Danazol
- D.3 Dantrolene and its salts
- D.4 Daunorubicin and its salts
- D.5 Debrisoquin and its salts
- D.6 Deferoxamine and its salts
- D.7 Desipramine and its salts
- D.7.1 Desmopressin and its salts
- D.8 Diazepam and its salts
- D.9 Diazoxide and its salts
- D.10 Revoked by P.C. 1978-1520 of May 4, 1978
- D.11 Diethylstilbestrol and its salts and derivatives
- D.12 Diiodohydroxyquin (except in preparations for topical use on the skin)
- D.13 Dimethylsulfoxide
- D.14 2,4-dinitrophenol and its salts and derivatives
- D.16 Diphenidol
- D.17 Diphenylmethane derivatives, the following and their salts:
  - (a) Azacyclonol
  - (b) Benactyzine
  - (c) Captodiamine
  - (d) Hydroxyzine
  - (e) Piperilate
- D.17.1 Disopyramide and its salts
- D.18 Disulfiram
- D.19 Dopamine and its salts
- D.19.1 Doxapram
- D.20 Doxepin and its salts
- D.21 Doxorubicin and its salts
- D.22 Droperidol and its salts
- E.1 Ecothiophate and its salts
- E.2 Ectylurea and its salts
- E.2.1 Embutramide
- E.3 Emylcamate
- E.4 Ethacrynic acid and its salts
- E.5 Ethambutol and its salts
- E.6 Ethchlorvynol
- E.7 Ethinamate
- E.8 Ethionamide and its salts
- E.9 Ethomoxane and its salts
- E.10 Ethyl Trichloramate
- E.11 Etryptamine and its salts
- F.1 Fenfluramine and its salts
- F.2 Fenoprofen and its salts

SCHEDULE F  
Part I  
(Continued)

Item No.

- F.2.1 Fenoterol and its salts
- F.2.2 Flucytosine
- F.3 Fluorouracil and its derivatives
- F.4 Flurazepam and its salts
- F.5 Fluspirilene
- G.1 Fluethimide
- G.2 Glyburide and its salts and derivatives
- G.3 Gonadorelin and its salts
- G.4 Guanethidine and its salts
- H.1 Haloperidol
- H.3 Hexachlorophene and its salts
- H.4 Hexacyclonate sodium
- H.5 Hexamethonium and its salts
- H.6 Hydantoin derivatives, the following and their salts:
  - (a) Diphenylhydantoin (phenytoin)
  - (b) Ethotoin
  - (c) Methoin (mephentyoin)
- H.7 Hydralazine and its salts
- H.8 Hydroxychloroquine and its salts
- I.1 Ibuprofen and its salts
- I.2 Idoxuridine
- I.3 Imipramine and its salts
- I.4 Indomethacin
- I.5 Iodochlorohydroxyquin (except in preparations for topical use on the skin)
- I.6 Iproniazid and its salts
- I.7 Isocarboxazid and its salts
- I.8 Isoniazid
- I.9 Isoproterenol (Isoprenaline) and its salts
- K.1 Ketamine and its salts
- K.2 Ketoprofen and its salts
- L.1 Levodopa and its salts
- L.2 Lithium carbonate
- L.3 Lomustine
- L.4 Loperamide and its salts
- L.5 Lorazepam and its salts
- L.6 Loxapine and its salts
- M.1 Magnesium glutamate hydrobromide
- M.2 Maprotiline and its salts
- M.3 Mazindol and its salts
- M.4 Mecamylamine and its salts
- M.5 Mechlorethamine and its salts
- M.5.1 Meleofenamic acid and its salts
- M.6 Mefenamic acid
- M.7 Melphalan



SCHEDULE F  
Part I  
(Continued)

Item No.

M.8	Menotropins (Human post-menopausal urinary gonadotrophins)
M.9	Mephenoqualone
M.10	Mephentermine and its salts
M.11	Meprobamate
M.12	6-Mercaptopurine
M.13	Mescaline and its salts
M.14	Metaldehyde
M.15	Metformin and its salts and derivatives
M.15.1	Methimazole
M.16	Methisazone
M.17	Methoxsalen
M.18	Methyldopa and its salts
M.19	Methylparafynol
M.20	Revoked by P.C. 1978-1520 of May 4, 1978
M.21	Methypylon
M.22	Methysergide and its salts and derivatives
M.23	Metoclopramide
M.24	Metolazone and its salts
M.25	Metoprolol and its salts
M.26	Metronidazole
M.27	Metyrapone and its salts
M.28	Mibolerone
M.29	Miconazole and its salts
M.30	Mitomycin and its salts
M.31	Mitotane (o,p'-DDD)
N.1	Nalidixic acid
N.2	Naloxone and its salts
N.3	Naproxen and its salts
N.4	Neocinchophen and its salts
N.5	Nialamide and its salts
N.6	Nortriptyline and its salts
O.1	Orciprenaline (Metaproterenol) and its salts
O.2	Oxanamide
O.3	Oxazepam and its salts
O.4	Oxyphenbutazone and its salts
P.1	Pancuronium and its salts
P.2	Paraldehyde
P.3	Paramethadione
P.4	Pargyline and its salts
P.5	Pemoline and its salts
P.6	Pentolinium tartrate
P.7	Phaceteroperane and its salts
P.8	Phenacetamide
P.9	Phenaglycodol
P.10	Phenelzine and its salts
P.11	Phenformin and its salts

SCHEDULE F  
Part I  
(Continued)

Item No.

- P.12 Pheniprazine and its salts
- P.13 Phenothiazine derivatives, the following and their salts:
  - (a) Butaperzine
  - (b) Carphenazine
  - (c) Etymetmazine
  - (d) Fluphenazine
  - (e) Mepazine
  - (f) Mesoridazine
  - (g) Methotrimeprazine
  - (h) Pericyazine
  - (i) Perphenazine
  - (j) Phenthoxate
  - (k) Piperacetazine
  - (l) Prochlorperzine
  - (m) Thiethylperazine
  - (n) Thiopropazate
  - (o) Thioproperazine
  - (p) Thioridazine
  - (q) Trifluoperazine
  - (r) Triflupromazine
- P.14 Phentermine and its salts
- P.14.1 Phenylbutazone and its salts
- P.15 Pimozide
- P.16 Pipobroman
- P.17 Pipradrol and its salts
- P.18 Pizotyline and its salts
- P.19 Pralidoxime and its salts
- P.19.1 Prazosin and its salts
- P.19.2 Probucol
- P.20 Procainamide and its salts
- P.21 Procarbazine and its salts
- P.22 Prodilidine and its salts
- P.23 Propranolol and its salts
- P.24 Propoxyphene and its salts
- P.24.1 Prostaglandins and their salts and derivatives
- P.25 Prothipendyl Hydrochloride
- P.25.1 Protirelin
- P.26 Protriptyline and its salts
- P.27 Pyrazinamide
- R.1 Rauwolfia and the following Rauwolfia alkaloids and their salts:
  - (a) Deserpidine
  - (b) Raubasine
  - (c) Rescinnamine

SCHEDULE F

Part I

(Continued)

Item No.

- S.1 Salbutamol and its salts
- S.2 Sodium nitroprusside and its salts
- S.3 Succinimide and its salts and derivatives (except those compounds used for decontaminating water)
- S.4 Sulfinpyrazone and its salts
- S.5 Sulphonal and alkyl sulphonals
- T.1 Tamoxifen and its salts
- T.1.1 Terbutaline
- T.2 Thiocarlide
- T.3 Thioguanine
- T.4 Thiotepa
- T.5 Thiothixene and its salts
- T.6 Thiouracil and its derivatives
- T.7 Thyroxin and its salts
- T.7.1 Timolol and its salts
- T.8 Tinidazole
- T.9 Toibutamide and its salts and derivatives
- T.10 Tolmetin and its salts
- T.11 Tranylcypromine
- T.12 Tretamine
- T.13 Triamterene and its salts
- T.14 Triiodothyropropionic acid
- T.15 Trimethadione
- T.16 Trimethoprim and its salts
- T.17 Trimipramine and its salts
- T.18 Trioxsalen
- T.19 Tybamate
- U.1 Uracil Mustard and its salts
- V.1 Vidarabine
- V.2 Vinblastine and its salts
- V.3 Vincristine and its salts
- V.4 Vitamin B<sub>12</sub> with Intrinsic Factor Concentrate
- Z.1 Zylazine and its salts

Part II

- A.1 Adrenocortical hormones and their salts and derivatives
- A.2 Aminopyrine and its derivatives
- A.3 Antibiotics, the following and their salts and derivatives:
  - (a) Dihydrostreptomycin
  - (b) Erythromycin
  - (c) Framycetin
  - (d) Griseofulvin
  - (e) Kanamycin

SCHEDULE F  
Part II  
(Continued)

Item No.

- (f) Lincomycin
- (g) Neomycin
- (h) Novobiocin
- (i) Nysatin (except for topical use on the skin)
- (j) Oleandomycin
- (k) Penicillin (except ampicillin, benzathine penicillin, carbenicillin, clocacillin, dicloxacillin, hetacillin, methicillin, nafcillin and oxacillin, their salts and derivatives)
- (l) Polymyxin B (except for topical use or for local action in the oral cavity or nasal passages)
- (m) Spectinomycin
- (n) Spiramycin
- (o) Streptomycin
- (p) Tetracyclin
- C.1 Chlorothiazide and its salts and derivatives
- C.2 Cyclizine
- E.1 Ergot alkaloids and their salts
- F.1 Furosemide
- L.1 Liothyronine
- M.1 Mebendazole
- M.2 Meclizine and its salts
- N.1 Nitrofurantoin derivatives, the following and their salts:
  - (a) Furaltadone
  - (b) Furazolidone
  - (c) Nitrofurantoin
- P.1 Phenothiazine derivatives, the following and their salts:
  - (a) Acepromazine
  - (b) Chlorpromazine
  - (c) Promazine
  - (d) Trimeprazine
- P.3 Physostigmine Salicylate (except preparation for oral or topical use only)
- P.4 Primidone
- R.1 Reserpine and its salts
- S.1 Sex hormones, except diethylstilbestrol and its salts and derivatives
- S.2 Sulphonamides and their salts and derivatives
- T.1 Thiabendazole
- T.2 Thyroid
- V.1 Veratrum album and its alkaloids and salts of alkaloids
- V.2 Veratrum viride and its alkaloids and salts of alkaloids



REGULATIONS: Food and Drugs Regulations, G.03.001

STATUTE: Food and Drugs Act, ss. 22, 26

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to any pharmacist receiving a controlled drug from a licensed dealer or another pharmacist.

RECORDS WHICH MUST BE KEPT:

A book, register or similar record must be maintained exclusively for controlled drugs in which the following information should be recorded:

- o the name and quantity of the controlled drug received
- o the name and address of the person who supplied it
- o the date it was supplied.

DISCLOSURE:

See the disclosure provisions on page 274.

RETENTION PERIOD:

Two years from the date the drug was received.

PENALTY:

See the penalty provisions on page 275.

\* \* \*

REGULATIONS: Food and Drugs Regulations, G.03.004, G.03.008, G.03.009

STATUTE: Food and Drugs Act, ss. 22, 26

DEPARTMENT: National Health and Welfare

APPLICATION:

These requirements apply to:

- (i) Any pharmacist dispensing a controlled drug pursuant to a written order or prescription.
- (ii) Any pharmacist dispensing a controlled drug in response to a verbal order.

## RECORDS WHICH MUST BE KEPT:

(i) The following information must be recorded in the prescription file (in sequence according to date and number):

- o all written orders and all prescriptions for controlled drugs.

(ii) In respect of each verbal order, the following information should be recorded in the prescription file:

- o the name and address of the person named in the prescription
- o the name, quantity and form of the controlled drug dispensed
- o the directions for use
- o the name, initials and address of the practitioner who gave the order
- o the name or initials of the practitioner who gave the order
- o the name or initials of the pharmacist who dispensed the drug
- o the date the controlled drug was supplied
- o the number assigned to the prescription.

## DISCLOSURE:

See the disclosure provisions on page 274.

## RETENTION PERIOD:

Two years from the date the controlled drug was dispensed.

## PENALTY:

See the penalty provisions on page 275.

\* \* \*

REGULATIONS: Narcotic Control Regulations, ss. 30, 38, 39, 40, 41, 44, 45.

STATUTE: Narcotic Control Act, s. 2.

DEPARTMENT: National Health and Welfare

## APPLICATION:

These requirements apply to pharmacists.

A Pharmacist is a person who is registered and entitled under the laws of a province to practice pharmacy and to operate a pharmacy or dispensary and who is operating a pharmacy or dispensary and practicing pharmacy. Pharmacist also means a person who is registered and entitled under the laws of a province to practice pharmacy and who is practising in that province.

Narcotics are defined as any substance included in the Schedule to the Narcotic Control Act or anything that contains any substance included in the Schedule. The Schedule is reproduced on pages 144 - 148.

**RECORDS WHICH MUST BE KEPT:**

When a pharmacist receives narcotics from a licensed dealer or from another pharmacist, he/she must keep a record of the following:

- o name and quantity of the narcotic received
- o date the narcotic was received
- o name and address of the person from whom the narcotic was received.

When a pharmacist dispenses a narcotic pursuant to a written order or prescription (not an oral prescription), he/she must keep a record of the following:

- o name and address of the person named in the order or prescription
- o name, form and quantity of narcotic
- o name, initials and address of the practitioner who issued the order or prescription
- o name and initials of the pharmacist who supplied the narcotic
- o date the narcotic was supplied.

When a pharmacist dispenses an oral prescription narcotic pursuant to an order or prescription verbally given, he/she must keep a record of the following:

- o name and address of the person named in the order or prescription
- o name and quantity of narcotic or the narcotic and medicinal ingredients (record it in the same manner as dictated in the prescription) and
- o directions for use given in the dictating of the prescription.

When a pharmacist prepares a narcotic (prepare does not mean compounding a narcotic pursuant to a prescription of a practitioner), he/she must keep a record of the following:

- o kind and quantity of any narcotic used in the preparation
- o name and quantity of the narcotic prepared and
- o date that the prepared narcotic was placed in stock.

When a pharmacist is ordered in writing by a licensed dealer who supplied a narcotic to the pharmacist to return the narcotic to the dealer, he/she must:

- o enter the details of the transaction in a book, record or other register kept for that purpose.

In all cases a pharmacist must maintain a special narcotic prescription file including:

- o all written orders and prescriptions for narcotics dispensed and
- o the written record of all oral prescription narcotics dispensed pursuant to an order or prescription verbally given.

This file must be organized by date and number of order, prescription or written record of oral prescription narcotics dispensed, including:

- o name, initials and address of the practitioner who issued the order or prescription
- o name or initials of the pharmacist who dispensed such oral prescription narcotic
- o the date such oral prescription narcotic was supplied and
- o the number assigned to the order or prescription.

**DISCLOSURE:**

In all cases pharmacists must:

- o give information about the dealings in narcotics when and in the form the Minister of National Health and Welfare requires
- o make available and produce to an inspector (on request) the special narcotic prescription file, any books, records or documents
- o allow the inspector to make copies of and take extracts from books, files, records of documents and
- o permit an inspector to check all stocks of narcotics on hand.

**RETENTION PERIOD:**

In all cases, the records must be kept for two years.

**PENALTY:**

The penalty for violating any provision of the Narcotic Control Regulations is a fine not exceeding \$500 or a term of imprisonment not exceeding six months or both. It is a summary conviction offence.

\* \* \*

**STATUTE:**            Food and Drugs Act, s. 26.

**DEPARTMENT:**    National Health and Welfare

**APPLICATION:**

These requirements apply to any dealer licensed to sell and distribute restricted (Schedule H) drugs. Schedule H drugs are:

- o Lysergic acid diethylamide(LSD) or any salt thereof
- o N.N.-Diethyltryptamine (DET) or any salt thereof
- o N.N.-Dimethyltryptamine (DMT) or any salt thereof
- o 4-Methyl-2, 5-dimethoxyamphetamine (STP(DOM)) or any salt thereof
- o 3,4-Methylenedioxyamphetamine (MDA) or any salt thereof
- o 3-Methoxy-4,5-methylenedioxyamphetamine (MMDA) or any salt thereof
- o N-Menthyl-3-piperidyl benzilate (LBJ) or any salt thereof
- o 2,3-Dimethoxyamphetamine or any salt thereof
- o 2,4-Dimethoxyamphetamine or any salt thereof



- o 2,5-Dimethoxyamphetamine or any salt thereof
- o 2,6-Dimethoxyamphetamine or any salt thereof
- o 3,4-Dimethoxyamphetamine or any salt thereof
- o 3,5-Dimethoxyamphetamine or any salt thereof
- o 4,9-Dihydro-7-methoxy-1-3H-pyrido (3,4-b) indole (Harmaline) and any salt thereof
- o 4,9-Dihydro-1-methyl-3H-pyrido (3,4-b) indol-7-ol (Harmalol) and any salt thereof
- o 4-Methoxyamphetamine or any salt thereof
- o 3-(2-(Dimethylamino) ethyl)-4-hydroxyindole (Psilocin) or any salt thereof
- o 3-(2-(Dimethylamino) ethyl)-4-phosphoryloxyindole (Psilocybin) or any salt thereof
- o 2,4,5-Trimethoxyamphetamine or any salt, isomer, or salt of isomer, thereof
- o 3,4 Methyleneedioxy-N-methylamphetamine or any salt thereof
- o N (1 Phenylcyclohexyl) ethylamine
- o 4 Bromo-2,5-dimethoxyamphetamine

#### RECORDS WHICH MUST BE KEPT:

The following records must be kept which include:

- o the name, quantity and form of any controlled drug received by him/her
- o the name and address of the person who supplied it
- o the date it was received
- o the name, quantity and form of any controlled drug supplied by him/her
- o the name and address of the person to whom it was supplied
- o the name, quantity and form of any controlled drug used in manufacturing
- o the date any restricted drug manufactured by him/her was placed in stock and
- o the name, quantity and form of any controlled drug in stock.

These records must be kept in such form as will allow an audit to be made from them.

#### DISCLOSURE:

Any of the records described above must be produced, on request, to an authorized inspector. The inspector may make copies of any relevant records.

An inspector appointed under the Food and Drugs Act may:

- o enter any premises where a drug to which the Act applies is manufactured, prepared or stored
- o inspect any books, records or other documents he/she believes contain information relevant to the enforcement of the Act
- o require the person in charge to furnish him/her with any information he/she may require.

The person in charge of premises being inspected by a Food and Drug inspector must not:

- o obstruct the inspector in the execution of his/her duties
- o make false or misleading statements
- o remove, alter or interfere with any article required by the inspector.

RETENTION PERIOD:

Two years.

PENALTY:

Failure to comply with the above is punishable:

- o on summary conviction for a first offence by a fine of \$500 or imprisonment for a term not exceeding three months or both
- o on summary conviction for a second or subsequent offence by a fine not exceeding \$1,000 or by imprisonment for six months or both
- o on indictment by a fine of not more than \$5,000 or by imprisonment for three years or both.

\* \* \*

STATUTE: Clean Air Act, ss. 15, 22, 28, 34.

DEPARTMENT: Environment

This Act does not require records to be kept. It gives inspectors designated by the Minister of the Environment the right to enter any place, area or premises that are part of a federal work, undertaking or business. They may not enter a private dwelling place.

Inspectors may enter if they reasonably believe there is being or has been carried on any activity:

- o that may result in or has resulted in the emission into the air of a contaminant
- o involving the alteration, extension or construction of federal works to determine whether any plans and specifications submitted to an inspector under this Act are being complied with
- o involving the importing of fuel containing any element or additive in a concentration exceeding the prescribed limits.

Inspectors may require any person to produce for inspection any books, documents or papers regarding the requirements under this Act. Inspectors may make copies of or take extracts from these books, documents or papers.

**PENALTY:**

Every person who obstructs or hinders an inspector or makes a false statement is guilty of an offence punishable on summary conviction by a fine not exceeding \$500 or six months imprisonment or both.

\* \* \*

**REGULATIONS:** Gasoline Excise Tax Regulations, ss. 2, 6, 7.

**STATUTE:** Excise Tax Act, s. 57.

**DEPARTMENT:** National Revenue (Customs and Excise)

**APPLICATION:**

These requirements apply to any manufacturer, producer, wholesaler, jobber or other dealer of gasoline who:

- o sells gasoline in bulk to a person holding a permit under section 7 of the Gasoline Excise Tax Regulations
- o charges a price that does not include the excise tax paid
- o requests a refund for the excise tax paid by him/her.

**RECORDS WHICH MUST BE KEPT:**

Suitable records must be kept to substantiate all sales made to permit holders that do not include the excise tax paid.

**DISCLOSURE:**

Not specified.

**RETENTION PERIOD:**

Written permission must be obtained from the Minister in order to destroy these records.

**PENALTY:**

Not specified.

**FURTHER INFORMATION:**

The Department of National Revenue has published a booklet entitled Federal Excise Gasoline Tax Refund Information which is available at all Regional offices.

\* \* \*

STATUTE: Petroleum Administration Act, ss. 24, 26, 27, 28, 29, 30, 31, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who:

- o sells
- o purchases or
- o acquires

any quality or kind of crude oil outside its province of production.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be kept at the place of business in Canada (or elsewhere in Canada when required by regulations). The records and books must be kept in such form and contain such information as will allow the price of purchase, sale or acquisition to be determined.

DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who knowingly:

- o makes a false entry or statement
- o destroys
- o mutilates or
- o falsifies

any record, book of account or other document is guilty of an offence and is liable on summary conviction. The penalty is a fine not exceeding \$10,000, imprisonment not exceeding one year, or both.

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable:

- o on summary conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both or



- o on conviction upon indictment to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who:

- o directed
- o authorized
- o assented to
- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his/her knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

\* \* \*

REGULATIONS: Petroleum Import Cost Compensation Regulations, ss. 2, 8.

STATUTE: Petroleum Administration Act

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who receives import compensation under the Petroleum Import Cost Compensation Regulations.

RECORDS WHICH MUST BE KEPT:

Documents, records and books of account must be kept at the place of business in Canada. They must be in such form and contain such information as will allow the National Energy Board to determine:

- o the correctness of the information supplied to the Board by the recipient and
- o the eligibility of the recipient.

**DISCLOSURE:**

These documents, records and books of account must be available at all reasonable times for the purpose of audit. Any person authorized by the Board may conduct an audit. All assistance must be given to the person conducting the audit.

**RETENTION PERIOD:**

All documents, records and books of account must be kept until the Board gives permission to dispose of them.

**PENALTY:**

Not specified.

\* \* \*

**REGULATIONS:**     Petroleum Administration Act Part III Regulations, ss. 2, 5, 6.

**STATUTE:**         Petroleum Administration Act, ss. 53, 55, 57, 58, 59, 60, 89

**DEPARTMENT:**    Energy, Mines and Resources

**APPLICATION:**

These requirements apply to every person who:

- o moves any gas outside its province of production for consumption elsewhere
- o purchases or otherwise acquires from within a producer-province or sells within a producer-province any gas for consumption outside that province or
- o sells or purchases any kind of gas outside its province of production (unless that person is buying gas for consumption in the province from someone who did not bring it or arrange for it to be brought into that province).

**RECORDS WHICH MUST BE KEPT:**

Records and books of account must be kept at the place of business in Canada (unless the regulations require that they be kept elsewhere in Canada). They must be in a form and contain such information as will allow the price of the gas sold or purchased to be determined.

Specifically, the following information must be recorded:

- o the names of the persons from whom any gas was purchased or to whom any gas was sold in the course of the transaction
- o the volume of gas purchased, sold or acquired in daily, monthly and annually contracted volumes
- o the date of the transaction
- o the price paid or to be paid for the gas

- o any costs, charges or other consideration, included in the price paid or to be paid for the gas
- o the total revenues received from the sale of the gas purchased or the total value assigned by the National Energy Board and
- o the number and date of the general or special order issued by the Board or the price prescribed by the Natural Gas Prices Regulations.

These records must be kept separately from the general accounts of the person keeping or recording them.

#### DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Anyone who knowingly:

- o makes a false entry or statement
- o destroys
- o mutilates or
- o falsifies

any record, book of account or other document is guilty of an offence and is liable on summary conviction. The penalty is a fine not exceeding \$10,000, imprisonment not exceeding one year, or both.

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable:

- o on summary conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both or
- o on conviction upon indictment to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who:

- o directed
- o authorized
- o assented to

- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his/her knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

\* \* \*

STATUTE: Petroleum Administration Act, ss. 29(2), 30, 31, 32, 44(1), 45, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who acquires any crude oil from a licensee in a province other than its exporting province.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be kept at the place of business in Canada (or else as the regulations may require). The books and records must be kept in a form and contain such information as will allow the price at which the crude oil was acquired to be determined.

DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable:



- o on summary conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both or
- o on conviction upon indictment to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who

- o directed
- o authorized
- o assented to
- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his/her knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

\* \* \*

STATUTE: Petroleum Administration Act, ss. 56, 57, 58, 59, 60, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who acquires any gas in a province other than its province of production from a person who brought or caused the gas to be brought out of its province of production.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be kept at the place of business in Canada (or elsewhere in Canada as the regulations may require). The records and books must be kept in such a form and contain such information as will allow the price at which the gas was acquired to be determined.

#### DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Anyone who knowingly:

- o makes a false entry or statement
- o destroys
- o mutilates or
- o falsifies

any record, book of account or other document is guilty of an offence and is liable on summary conviction. The penalty is a fine not exceeding \$10,000, imprisonment not exceeding one year, or both.

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable

- o on summary conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both or
- o on conviction upon indictment to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who:

- o directed
- o authorized
- o assented to
- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his/her knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

\* \* \*

STATUTE: Petroleum Administration Act, ss. 14(2), 16, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who is required to pay petroleum export charges under Part I of the Petroleum Administration Act.

RECORDS WHICH MUST BE KEPT:

Records and books of account must be kept at the place of business in Canada.

The form of and information within these records and books of account must enable the amount of the charges or other sums that should have been paid or collected to be determined.

The accounts or vouchers necessary to verify the information in the records and books of account must be kept.

DISCLOSURE:

The accounts, vouchers, records and books of account must be available at reasonable times to officers of the Board or any person authorized by the Board. They must be given assistance and may inspect all accounts, vouchers, records and books.

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

The accounts, vouchers, records and books of account must be kept until the National Energy Board gives written permission for their disposal.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: National Energy Board Part VI Regulations, s. 17.

STATUTE: National Energy Board Act, ss. 81, 86.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who holds a license to export oil.

RECORDS WHICH MUST BE KEPT:

All records relating to the export of oil by him/her should be kept.

DISCLOSURE:

A member of the National Energy Board or any person authorized by the National Energy Board may, at any time, inspect any books, records or accounts used for or in connection with the exportation of oil.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who violates any of the provisions described above is guilty of an offence punishable on summary conviction. Any person who violates s. 81 of the Act is guilty of a separate offence for each day on which such violation takes place.

\* \* \*

REGULATIONS: National Energy Board Part VI Regulations, ss. 17, 19.

STATUTE: National Energy Board Act, s. 86

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who imports propane or butane. (No licence is required to import propane or butane.)

RECORDS WHICH MUST BE KEPT:

Information relating to the importation of propane or butane should be recorded and kept.



DISCLOSURE:

The National Energy Board must be furnished, on request, with such information as it may require relating to the import of propane or butane.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who violates any of the provisions described above is guilty of an offence punishable on summary conviction.

\* \* \*

REGULATIONS: National Energy Board Part VI Regulations, ss. 17, 19.

STATUTE: National Energy Board Act, ss. 81, 86.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to any person who holds a license to export propane or butane.

RECORDS WHICH MUST BE KEPT:

Information relating to the exportation of propane or butane should be recorded and kept.

DISCLOSURE:

The National Energy Board must be supplied, on request, with such information as it may require.

RETENTION PERIOD:

Not specified.

PENALTY:

Every person who violates any of the provisions described above is guilty of an offence punishable on summary conviction. Every person who violates s. 81 of the Act is guilty of a separate offence for each day on which such violation takes place.

\* \* \*

STATUTE: Petroleum Corporations Monitoring Act, ss. 3, 7, 9, 11, 12.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every corporation engaged in the:

- o exploration
- o development
- o production
- o refining or
- o refining and marketing

of petroleum or petroleum products.

Petroleum:

- o any crude oil or other hydrocarbon or mixture of hydrocarbons recovered in liquid or solid state from a natural reservoir, including any hydrocarbon or mixture of hydrocarbons produced by extraction from oil sands
- o any natural gasoline or condensate resulting from the production, processing or refining of gas recovered from a natural reservoir.

Petroleum Product:

- o any hydrocarbon or mixture of hydrocarbons resulting from the processing or refining of hydrocarbons as described above.

RECORDS WHICH MUST BE KEPT:

Records and books of account of sufficient detail to allow the verification of any information submitted under the Petroleum Corporations Monitoring Act, should be kept at the company's principal place of business in Canada.

DISCLOSURE:

A person authorized by the Minister may, at all reasonable times, enter the premises of the corporation and

- o audit and examine any of the books and records required to be maintained and any supporting documentation
- o require the owner or manager or any person on the premises to give reasonable assistance with the audit and to answer all proper questions or make a sworn statement regarding these matters

- o if it appears there has been a violation, seize and take away any documents, books, records, papers or things that may be required as evidence.

The person from whom the documents were seized may inspect them and make copies. Seized documents must be returned within 120 days (unless otherwise ordered by the court, or until the application has been dealt with) but copies may be made before the return of the originals.

#### RETENTION PERIOD:

Every book and record must be kept until written permission for their destruction is obtained from the Minister of Energy, Mines and Resources.

#### PENALTY:

Anyone who fails to keep records as required is guilty of a summary conviction offence and liable to a fine not exceeding \$50,000.

Anyone who fails to assist a person, authorized by the Minister, is guilty of an offence punishable on summary conviction.

\* \* \*

REGULATIONS: Motor Vehicle Safety Regulations, ss. 2, 8.

STATUTE: Motor Vehicle Safety Act, ss. 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 17.

DEPARTMENT: Transport

#### APPLICATION:

These requirements apply to every:

- o manufacturer
- o assembler
- o distributor
- o importer

of

- o motor vehicles or
- o motor vehicle components for delivery to a manufacturer.

Motor vehicle is defined as any vehicle designed to be driven or drawn on roads by any means other than exclusively by muscular power and includes pedal cycles with auxiliary motors, minibikes, motorized snow vehicles, but does not include any vehicle designed for running exclusively on rails.

#### RECORDS WHICH MUST BE KEPT:

Records of testing conducted by or for the manufacturer or assembler to determine whether the vehicles or vehicle components comply with the Motor Vehicle Safety Regulations must be kept.

#### DISCLOSURE:

Inspectors appointed by the Minister of Transport may examine any books, reports, test data, control records, shipping bills and bills of lading or other documents or papers that they believe contain information relevant to the enforcement of this Act. Inspectors may make copies of and take extracts from these books, etc.

The inspectors may enter any place in which they reasonably believe there is any motor vehicle for which safety standards have been prescribed if that place is owned by or situated on the premises of any

- o manufacturer of
- o distributor of
- o importer of motor vehicles, or
- o consignee of imported vehicles or
  - o any motor vehicle component that is to be used in the manufacture of a motor vehicle for which safety standards have been prescribed.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

It is an offence to hinder or obstruct inspectors. It is also an offence to knowingly make a false or misleading statement - verbally or in writing. Everyone who is guilty is liable on summary conviction:

- o if a corporation, to a fine not exceeding \$5,000
- o if an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding two years or both.

\* \* \*



REGULATIONS: Motor Vehicle Tire Safety Regulations, ss. 2, 6, 7, Schedule IV and V.

STATUTE: Motor Vehicle Tire Safety Act, ss. 2, 4, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18.

DEPARTMENT: Transport

#### APPLICATION:

These requirements apply to every manufacturer and importer of motor vehicle tires for which safety standards have been prescribed. They must keep the following records as a condition of the use of the national tire safety mark.

#### RECORDS WHICH MUST BE KEPT:

The following records must be kept:

- o a record of tests conducted by or on behalf of the manufacturer. This record must be of sufficient detail to aid the inspector in determining if the tires comply with all safety standards which are applicable.
- o a registration system so that anyone who has bought a tire made by the manufacturer or imported by the importer can be identified if they wish to be identified.

In addition, importers must keep a record of the tires imported. The record must only be of tires for which safety standards have been prescribed. Importers do not have to keep a record of tires used for exhibition, demonstration or other similar purposes.

The importer or his/her agent must sign this record. It must show:

- o the name of the corporation that manufactured the tire, if it was manufactured by a corporation, or, if it was manufactured by a partnership or an individual, the usual name under which the partnership or individual carries on business
- o the name of the corporation that imported the tire, if it was imported by a corporation, or if it was imported by a partnership or individual, the usual name under which the partnership or individual carries on business
- o a statement to the effect that on the date of importation, the tire complied with all safety standards in force on the date it was manufactured
- o the make, brand name, type and size designation of the tire
- o the number of each make, brand name, type and size designation of the tire imported at the same time, and

- o a written statement by the manufacturer or his agent that the tire described in the records complied with all safety standards in force on the date that the manufacturing was completed.

#### DISCLOSURE:

This Act gives inspectors appointed by the Minister of Transport the right to examine any books, reports, test data, control records, shipping bills and bills of lading or other documents or papers that on reasonable grounds the inspector believes contain information relevant to this Act. Inspectors may make copies of and take extracts from these books, etc.

The inspectors may enter any place, in which they reasonably believe there is any motor vehicle tire for which safety standards have been prescribed, if that place is owned by or situated on the premises of any

- o manufacturer
- o distributor
- o importer
- o consignee of imported tires.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

It is an offence to hinder or obstruct inspectors. It is also an offence to knowingly make any false or misleading statement - verbally or in writing. Everyone who is guilty is liable:

on summary conviction:

- o if a corporation, to a fine not exceeding \$5,000
- o if an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months or both or

on conviction upon indictment:

- o if a corporation, to a fine not exceeding \$10,000
- o if an individual, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding two years or both.

\* \* \*

REGULATIONS: Customs Bonded Warehouses Regulations, ss. 2, 3, 8, 13, 14.

STATUTE: Customs Act

DEPARTMENT: National Revenue (Customs and Excise)

APPLICATION:

These requirements apply to all warehouse keepers in bonded warehouses.

Warehouse keepers are defined as the owners or lessees of bonded warehouses.

RECORDS WHICH MUST BE KEPT:

Detailed records must be kept of:

- o all goods on hand in the warehouse and
- o all movements of goods into and out of the warehouse.

DISCLOSURE:

Warehouse keepers have the duty to show that goods have been lawfully stored and removed from the warehouse and must produce documents to prove this.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with any part of these regulations may result in cancellation of the appointment of the warehouse. Warehouse keepers are entitled to an opportunity to be heard and to make representations before an appointment is cancelled.

If the quantity of goods stored in the warehouse is less than the quantity recorded:

- o no goods shall be removed from the warehouse until the customs duties and sales and excise taxes payable for those goods have been paid.

\* \* \*

REGULATIONS: Explosives Regulations, ss. 2, 84.

STATUTE: Explosives Act, ss. 3, 6, 15, 17, 22.

DEPARTMENT: Energy, Mines and Resources

#### APPLICATION:

The record retention requirements apply to operators of a factory licensed under section 6 of the Explosives Act.

This Act and these regulations do not apply to explosives under the direction or control of the Minister of National Defence.

#### RECORDS WHICH MUST BE KEPT:

Records of explosives must be kept. Explosives are defined as substances that are made, manufactured or used to produce an explosion or detonation or a pyrotechnic effect and include:

- o gunpowder
- o propellant powders
- o blasting agents
- o dynamite
- o detonating cord
- o lead azide
- o detonators
- o ammunition of all descriptions
- o rockets
- o fireworks
- o firework composition
- o safety flares and other signals.

However, for the purpose of the record retention requirements, records for fireworks and safety cartridges do not need to be kept.

(i) A record must be kept of the quantity of each explosive manufactured, showing:

- o the brand name
- o the strength
- o the cartridge size and
- o the lot number or other permitted identifying number.

(ii) A record must be kept of the quantity of each explosive possessed, showing:

- o the brand name
- o the strength
- o the cartridge size
- o the designation of the magazine where the explosive is being stored



- o the name and address of the person from whom the explosive was received (if the explosive was not manufactured by the operator), and
- o the date the explosive was received.

(iii) A record must be kept of the quantity of each explosive issued from the factory, showing:

- o the name and business address of each purchaser or consignee
- o any one of the following numbers:
  - o the federal magazine licence number
  - o the provincial or territorial magazine licence or permit number
  - o the Purchase and Possession Permit number of each purchaser or consignee
- o the destination to which each shipment of the explosive is being sent
- o the method of transport of each shipment of the explosive, including the security seal number where applicable
- o the manifest, bill of lading or shipping order number for each shipment of the explosive
- o the quantity, brand name, strength and cartridge size of the explosives in the shipment
- o the name, residential address and signature of the person taking delivery of the shipment
- o a record of documents presented as proof of identity of the person taking delivery of the shipment
- o the date of delivery of each shipment.

#### DISCLOSURE:

Inspectors and peace officers may examine records.

Inspectors may make copies of and take extracts from any record or other document.

Inspectors are furnished with certificates of appointment and the person in charge of the factory, magazine, vehicle or other place may ask the inspector to produce this certificate before entering.

Inspectors must be given all reasonable assistance in carrying out their duties; all relevant information requested must be given.

Inspectors are defined as:

- o the Chief Inspector
- o an inspector of explosives
- o a deputy inspector of explosives
- o any other person who is directed by the Minister of Energy, Mines and Resources to inspect an explosive, a vehicle, factory or magazine or to hold an inquiry in connection with any accident caused by an explosive.

RETENTION PERIOD:

Three years from the date the record was made.

PENALTY:

Every person who:

- o fails to allow an inspector to enter any place
- o fails to allow an inspector to inspect, examine or make inquiries or
- o fails to comply with any order, direction or requirement of an inspector made under the Act or regulations

is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months or both.

Any person who is dissatisfied with an order, direction or requirement of an inspector may appeal it to the Minister of Energy, Mines and Resources within fifteen days from the day on which the order was made.

Every person who violates any provision of the Act or regulations is liable on summary conviction for a first offence to a fine not exceeding \$200 and, for subsequent offences, to a fine not exceeding \$500.

\* \* \*

REGULATIONS: Restricted Weapons and Firearms Control Regulations, s. 13.

STATUTE: Criminal Code, ss. 82, 103.

DEPARTMENT: Solicitor General

APPLICATION:

These requirements apply to everyone who carries on a business that includes the:

- o manufacturing
- o buying or selling at wholesale or retail
- o importing
- o repairing
- o altering
- o modifying or
- o taking in pawn

of restricted weapons or firearms.

Firearms are defined as any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

Restricted weapons are defined as:

- o any firearm (not being a prohibited weapon, as defined below) designed, altered or intended to be aimed and fired by the action of one hand, or
- o any firearm that:
  - o is not a prohibited weapon, has a barrel that is less than eighteen and one-half inches in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or
  - o is designed or adapted to be fired when reduced to a length of less than twenty-six inches by folding, telescoping, or otherwise, or
- o any firearm that is designed, altered or intended to fire bullets in rapid succession during one pressure of the trigger and that was registered as a restricted weapon on January 1, 1978, and formed part of a gun collection in Canada of a bona fide gun collector, or
- o a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that (in the opinion of the Governor in Council) is reasonable for use in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.

A prohibited weapon is defined as:

- o any device or contrivance designed or intended to muffle or stop the sound or report of a firearm
- o any knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife
- o any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger that was not registered as a restricted weapon on January 1, 1978, and did not form part of a gun collection in Canada of a bona fide gun collector
- o any firearm adapted from a rifle or shotgun, whether by sawing, cutting or other alteration or modification that has a barrel that is less than eighteen inches in length or that is less than twenty-six inches in overall length
- o a weapon of any kind (not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes) that has been declared prohibited by an order of the Governor in Council.

Despite the definitions above, the following weapons are deemed not to be firearms for the purpose of the record retention requirements:

- o an antique firearm that is not a restricted weapon and the person in possession does not intend to discharge it

- o any device designed (and intended by the person who possesses it) to be used exclusively for:
  - o signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or
  - o firing blank cartridges
- o any shooting device designed (and intended by the person who possesses it) to be used exclusively for:
  - o slaughtering of domestic animals
  - o tranquillizing animals or
  - o discharging projectiles with lines attached to them
- o any other barrelled weapon where it is proved that such weapon is not designed or adapted to discharge a shot, bullet or other missile at a muzzle velocity exceeding five hundred feet per second or to discharge a shot, bullet or other missile that is designed or adapted to attain a velocity exceeding five hundred feet per second.

#### RECORDS WHICH MUST BE KEPT:

- (i) A record of all transactions entered into must be kept. It must be kept in a form prescribed by the Commissioner of the Royal Canadian Mounted Police.
- (ii) An inventory of all restricted weapons and firearms must be kept at the place of business. When a person carries on a business at more than one location, the inventory must be kept at each location.

#### DISCLOSURE:

The inventory and record of transactions must be available for inspection by any police officer or constable or anyone else authorized by regulation.

When the Commissioner or other person authorized by the regulations requests, a report of the record of transactions and the inventory must be sent as directed.

#### RETENTION PERIOD:

Five years from the date of the transaction or inventory.

#### PENALTY:

Any person who fails to keep proper records is guilty of an offence:

- o on summary conviction or
- o on indictment and is liable to imprisonment for five years.



STATUTE:            Hazardous Products Act, ss. 2, 4, 5, 9, 10, 14, Schedule.

DEPARTMENTS:    Consumer and Corporate Affairs,  
Health and Welfare co-administers, ss. 9, 10 (Board of  
Review)

This Act does not require records to be kept. It gives inspectors (appointed by the Minister of Consumer and Corporate Affairs) the right to enter any place. The inspector may enter if he believes that a hazardous product is manufactured, preserved, packaged, sold or stored for sale. The Schedule to the Hazardous Products Act contains a list of all hazardous products. As the schedule is lengthy and frequently amended, it has not been included. Reference should be made to it.

The inspector may examine any books, records or other documents that on reasonable grounds he believes contain any information about hazardous products. He may make copies of and take extracts from these books, records and documents.

It is an offence to obstruct an inspector in the performance of his duties. All reasonable assistance must be given. It is also an offence to knowingly make a false or misleading statement verbally or in writing.

These offences are punishable on summary conviction by a fine of \$500 or imprisonment for three months or both.

The Minister may establish a Hazardous Products Board of Review. Those on the Board have the powers of commissioners under the Inquiries Act. This means that the production of books, records and other documents may be ordered. For more information see page 18.

\* \* \*

REGULATIONS:    Radio Interference Regulations, s. 4, 7.

STATUTE:           Radio Act

DEPARTMENT:    Communications

APPLICATION:

These requirements apply to every:

- o manufacturer or
- o importer
- who sells or offers for sale any
- o machinery

- o apparatus or
- o equipment

for which limits of radio noise have been prescribed by these Regulations.

Radio noise is defined as any electrical disturbance produced by any machinery, apparatus or equipment and is capable of being received by a radio receiving apparatus.

#### RECORDS WHICH MUST BE KEPT:

The machinery, apparatus or equipment must be tested in accordance with these Regulations. A record of these tests must be kept.

#### DISCLOSURE:

At the request of the Director General, Telecommunication Regulatory Service of the Department of Communications, these records must be made available for examination.

#### RETENTION PERIOD:

Five years from the test date.

#### PENALTY:

Every person who violates any regulation is liable to a fine not exceeding \$1,000 and costs or to imprisonment for a term not exceeding six months.

\* \* \*

STATUTE: Canada Shipping Act, s. 504.

DEPARTMENT: Transport

#### APPLICATION:

These requirements apply to every person who deals in, buys or sells old:

- o anchors
- o cables
- o sails
- o junk, iron or

marine stores of any kind.

#### RECORDS WHICH MUST BE KEPT:

A record of all articles which he/she acquires must be maintained containing the following information:

- o the time it was purchased
- o the person from whom it was purchased or received
- o description of the business that person is engaged in and
- o character of any article acquired and any distinguishing marks on it.

#### DISCLOSURE:

These records must be produced for inspection upon the request of the receiver for the district in which he/she carries on business.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply is punishable, on summary conviction by a fine of \$40 for a first offence and a fine of up to \$200 for each subsequent offence.

\* \* \*

REGULATIONS: National Parks Business Regulations, s. 30.

STATUTE: National Parks Act, s. 8.

DEPARTMENT: Environment

#### APPLICATION:

These requirements apply to every holder of a license to sell intoxicating beverages in a National Park.

#### RECORDS WHICH MUST BE KEPT:

Record must be kept of all purchases of:

- o spirits
- o wines
- o beer
- o ale and
- o lager.

The record must be in a form that is satisfactory to the Superintendent or anyone authorized by the Superintendent.

DISCLOSURE:

These records must be available for inspection on request by the Superintendent of the park or by anyone authorized by the Superintendent.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the provisions outlined above is punishable, on summary conviction, to a fine not exceeding \$500 and in default of payment, a prison term not in excess of six months.

\* \* \*

REGULATIONS: National Parks Electrical Regulations, ss. 2, 6.

STATUTE: National Parks Act, s. 8.

DEPARTMENT: Environment

APPLICATION:

These requirements apply to every operator of an industrial, commercial or other establishment who has been issued an annual permit by the Superintendent of a National Park of Canada to employ a full-time electrician to the plant or premises. Superintendent is defined as the Superintendent and any person authorized to act for or in the name of the Superintendent.

RECORDS WHICH MUST BE KEPT:

An accurate record of all installations, extensions, alterations or repairs that have been carried out in the establishment must be kept.

DISCLOSURE:

The Superintendent or a provincial officer may inspect the establishment at least once a year or more often where, in the opinion of the Superintendent or provincial officer, more frequent inspection is necessary. Records must be produced to the Superintendent when required.

RETENTION PERIOD:

The records must be kept by the operator for a period of one year following the inspection referred to under "disclosure".

PENALTY:

Failure to comply with the provisions outlined above is punishable, on summary conviction, to a fine not exceeding \$500 and in default of payment, a prison term not in excess of six months.

\* \* \*



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STATUTE: Petroleum Administration Act, ss. 25, 28, 29, 30, 31, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to any person who:

- o transports
- o carries
- o conveys or
- o moves

any quality or kind of crude oil out of its province of production or

- o takes delivery of

any quality or kind of crude oil outside its province of production.

RECORDS WHICH MUST BE KEPT:

Documentary evidence must be kept that the price paid or to be paid for the crude oil is not greater than the prescribed price for that quality or kind of crude oil.

DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who knowingly:

- o makes a false entry or statement
- o destroys
- o mutilates or
- o falsifies

any record, book of account or other document is guilty of an offence and is liable on summary conviction. The penalty is a fine not exceeding \$10,000 or imprisonment not exceeding one year or both.

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable:

- o on summary conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both or
- o on conviction upon indictment, to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who:

- o directed
- o authorized
- o assented to
- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

\* \* \*

REGULATIONS: Feed Grain Transportation and Storage Assistance Regulations, ss. 2, 9.

STATUTE: Livestock Feed Assistance Act, s. 29.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every person in receipt of a payment for the transportation of feed grain.

Feed Grain: wheat, other than grades of wheat grown in a designated area and designated by regulation not to be feed grain, oats and barley and such other grain and grain products as may be designated as feed grain by regulation.

RECORDS WHICH MUST BE KEPT:

The following records, in respect of each transaction, must be kept:



- o books of account
- o bills of lading and
- o sales invoices.

DISCLOSURE:

These records may be inspected and audited by an authorized member of the Canadian Livestock Feed Board during normal business hours.

RETENTION PERIOD:

Six years.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Petroleum Administration Act Part III Regulations, s. 6.

STATUTE: Petroleum Administration Act, ss. 54, 57, 58, 59, 60, 89.

DEPARTMENT: Energy, Mines and Resources

APPLICATION:

These requirements apply to every person who:

- o transports
- o carries
- o conveys or
- o moves

any kind of gas out of its province of production or

- o takes delivery of

any kind of gas outside of its province of production.

RECORDS WHICH MUST BE KEPT:

Documentary evidence showing that the price paid or to be paid for the gas is not greater than the price approved or prescribed by the National Energy Board.

This documentary evidence must be kept and recorded separately from the general accounts of the person keeping or recording them.

DISCLOSURE:

The Minister of Energy, Mines and Resources may authorize any person to enter any premises to examine, copy or take away for further examination or copying any record, book, paper or other document. That person may do so if he or she believes on reasonable grounds that these documents contain evidence of a contravention of the Petroleum Administration Act.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who knowingly:

- o makes a false entry or statement
- o destroys
- o mutilates or
- o falsifies

any record, book of account or other document is guilty of an offence and is liable on summary conviction. The penalty is a fine not exceeding \$10,000, imprisonment not exceeding one year or both.

Anyone who fails to keep the records, books of account or other documents is guilty of an offence and is liable:

- o on summary conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding six months or both or
- o on conviction upon indictment to imprisonment for a term not exceeding two years.

Any officer, director or agent of the corporation who:

- o directed
- o authorized
- o assented to
- o acquiesced in or
- o participated in

the commission of the offence is a party to and guilty of the offence. Whether or not the corporation has been prosecuted or convicted, they are liable on conviction to the punishment provided for the offence.

Where an offence is committed on more than one day, it is deemed to be a separate offence for each day on which it is committed.

If it is proved that an employee or agent of the accused committed the offence, the accused is guilty unless it can be established that it was committed without his knowledge or consent and that due diligence to prevent the commission of the offence was exercised.

STATUTE: Livestock and Livestock Products Act, ss. 33, 34.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to persons:

- o processing
- o grading
- o shipping or
- o transporting

any livestock product.

Livestock Product: meat, raw hides and skins, raw furs, dressed poultry, eggs or wool.

RECORDS WHICH MUST BE KEPT:

Adequate records relating to the operations carried out by him/her on the livestock products should be maintained.

DISCLOSURE:

An inspector may require the production for inspection of all records relating to a livestock product or its disposition.

RETENTION PERIOD:

Not specified.

PENALTY:

Anyone who obstructs an inspector in the carrying out of his/her duties is liable:

- o on summary conviction for a first offence to a fine of \$100
- o in the case of a second or subsequent offence to a \$300 fine or imprisonment for three to six months or both.

\* \* \*

REGULATIONS: B.C. Turkey Marketing Board (Interprovincial and Export) Order, ss. 2, 3.

STATUTE: Canada Agricultural Products Marketing Act, s. 4.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to any person engaged in the transporting of turkeys raised in the area of B.C. covered by the B.C. Turkey Marketing Scheme and destined for interprovincial transport.

RECORDS WHICH MUST BE KEPT:

Accurate books and records in English, containing information regarding the:

- o production
- o processing
- o packing
- o storing
- o transportating or
- o marketing

of the turkeys by him/her should be maintained.

DISCLOSURE:

Any vehicle in which the product could be transported may be stopped and searched by a member of the Board or a police constable.

Any of the information required to be kept must be produced on request to a member of the Board or other authorized person.

RETENTION PERIOD:

Not specified.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, s. 151.

STATUTE: Animal Disease and Protection Act, s. 48.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every air carrier engaged in the interprovincial or international transport of animals.

RECORDS WHICH MUST BE KEPT:

For every aircraft and for every shipment of animals, a record must be kept showing:



- o the name and address of the shipper
- o the name and address of the consignee
- o the number and description of the livestock or other animals
- o the time, date and place where the livestock came into the carrier's custody
- o the time, date and place where the livestock or other animals were fed, watered or rested while in the carrier's custody and
- o the time, date and place at which the animals or livestock were unloaded at destination.

DISCLOSURE:

A copy of this record must accompany every shipment of livestock or other animals and must be produced to an inspector on request.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the records described is an offence punishable on summary conviction.

\* \* \*

REGULATIONS: Air Regulations, ss. 825 to 830  
Aircraft Journey Log Order, ss. 1 to 4, Schedule  
Aircraft Technical Log Order, ss. 1 to 4, Schedules I and II.

STATUTE: Aeronautics Act, s. 6

DEPARTMENT: Transport

APPLICATION:

These regulations apply to every air carrier.

RECORDS WHICH MUST BE KEPT:

(i) Aircraft Journey Log containing the following information:

<u>Particulars to be Entered in Log</u>	<u>Frequency of Entry in Log</u>
Aircraft nationality and registration marks.	Once at the beginning of the log.

Particulars to be Entered in Log (Continued)	Frequency of Entry in Log
Manufacturer's designation.	Once at the beginning of the log.
Manufacturer's serial number.	Once at the beginning of the log.
Aircraft type approval or type specification number.	Once at the beginning of the log.
Date of each flight.	In respect of each flight.
Names of flight crew members.	In respect of each flight.
Point of departure and point of destination.	In respect of each flight.
Time up.	In respect of each flight.
Time down.	In respect of each flight.
Air time.	In respect of each flight.
Flight time.	In respect of each flight.
Total air time since date of manufacture.	In respect of each flight.
Number of persons on board.	In respect of each flight.
Total weight of persons on board.	In respect of each flight.
Quantity of fuel and oil at takeoff.	In respect of each flight.
Total weight of equipment, baggage and cargo at takeoff.	In respect of each flight.
Total weight of the aircraft at takeoff.	In respect of each flight.
Particulars of any defect in any part of the aircraft or its equipment and details of the rectification of such defect.	Immediately after the defect has been noted and rectified.
Condition of aircraft, whether or not it is airworthy or serviceable.	Whenever required to do so by the Airworthiness Certification Order or the Flight Permits Order.
The signature of any person making an entry and, in the case of a maintenance engineer, his licence number or his company approval number.	Whenever an entry is made.

Where two or more consecutive flights are made in an aircraft in one day and:

- o the pilot in command is the same
- o the flights are made within an eight hour period
- o are made within 25 miles of the first point of departure.

The following information respecting such flights may be entered in the Aircraft Journey Log in lieu of the particulars set out above:

- o the date on which the flights took place
- o the name of the pilot-in-command
- o the point of departure and the final destination of the flights
- o the time of the commencement of the first flight and the time of completion of the last flight
- o the total number of flights made
- o the total air time of the flights
- o the total flight time and
- o the total air time of the aircraft since the date of manufacture.

(ii) Aircraft Technical Log containing the following information, organized in the separate logs described below:

I Airframe Log:

- o aircraft nationality and registration marks
- o manufacturer's designation
- o manufacturer's serial number
- o type approval or type specification number
- o date of manufacture
- o date of each entry made in log
- o air time transferred as a daily total from the Aircraft Journey Log
- o total air time since manufacture
- o particulars of all maintenance work carried out on the aircraft
- o particulars of any overhauls, repairs, replacements and modifications relating to the aircraft
- o particulars of any defects occurring in the aircraft or any equipment carried in the aircraft, and details of the rectification of such defects
- o particulars of any changes in the aircraft's basic weight and
- o the signature of any person making an entry and in the case of a maintenance engineer, his licence number or company approval number.

## II Record of Installations and Modifications to the Aircraft:

- o aircraft nationality and registration marks
- o manufacturer's designation
- o date of each entry made in the log
- o particulars of the removal of any engine, including:
  - o the date of installation or removal
  - o the make, model and serial number of the engine
  - o in the case of a multi-engined aircraft, the numbered position of the engine
- o particulars of the installation or removal of any propeller including:
  - o the date of installation or removal
  - o the make, model and serial number of the propeller
  - o in the case of a multi-engined aircraft, the numbered position of the propeller
- o all airworthiness directives, service bulletins, mandatory modifications and special instructions pertaining to the airframe
- o the signature of the person making the entry and, in the case of a maintenance engineer, his licence number or the company approval number.

## III Engine Log:

- o engine make, model and specification number
- o manufacturer's serial number
- o engine reduction gear ratio
- o date of manufacture
- o date of each entry made in the log
- o particulars of all maintenance work done on the engine
- o particulars of any overhauls, repairs, replacements and modifications relating to the engine or its accessories
- o particulars of any defects in the engine and of their rectification
- o all airworthiness directives, service bulletins, compulsory modifications and special inspection instructions relating to the engine
- o each time any work is performed, the total air time the engine has run since its last overhaul
- o total air time the engine has run since manufacture
- o total air time during which maximum revolutions per minute were exceeded



- o total air time during which the engine was run using an unauthorized grade of fuel or brand of oil
- o the signature of any person making an entry and in the case of an aircraft maintenance engineer, his/her license number or company approval number, in the case of an employee of an approved company.

#### IV Propeller Log:

- o propeller make, model, specification number
- o date of manufacture
- o hub serial number
- o design and serial numbers of the blades
- o pitch setting of the propeller blades
- o date of each entry made in the log
- o particulars of all maintenance work done on the propellers
- o particulars of any overhauls, repairs, replacements and modifications relating to the propeller
- o total air time the propeller has run since its last overhaul
- o particulars of all airworthiness directives, service modifications and special instructions relating to the propeller
- o the signature of any person making an entry and, in the case of an aircraft engineer, his/her license number or the company approval number of an employee of an approved company.

#### V Component Log:

(a) Component history form containing the following information for each component that may only remain in service for a limited period of time:

- o a description of the component including:
  - o the type, part number and serial number
  - o the number of hours the component may remain in service prior to overhaul and
  - o the total number of hours the component may remain in service.
- o particulars concerning the installation of the component on the aircraft including:
  - o the aircraft type and registration number
  - o the position installed on the aircraft
  - o the date of installation and
  - o the air time of the aircraft at the time of installation.
- o particulars concerning the removal of the component from the aircraft including:

- o the date of removal
- o the number of hours the aircraft has flown since the component was installed
- o the total number of hours the component has been used since its manufacture and the reason for its removal.
- o particulars concerning any overhauls, repairs, adjustments and modifications made to the component and particulars of all mandatory service bulletins.

(b) Component replacement record: containing the following information for each component which may only remain in service for a limited period of time:

- o a description of the component including:
  - o the serial number
  - o the number of hours the component may remain in service.
- o the type and registration number of the aircraft on which the component is installed
- o the date and number of hours the aircraft has flown at the installation of the component
- o the date and time the component is to be replaced
- o the number of hours the aircraft has flown at the time the component is removed.

Note: When any log required to be maintained by these regulations is filled and a replacement log is started, the last two entries from the filled log must be entered at the beginning of the new log.

#### DISCLOSURE:

The Aircraft Journey Log must be carried on the aircraft on every flight. All logs must be made available to an inspector appointed by the Minister of Transport at any reasonable time.

#### RETENTION PERIOD:

Aircraft Journey Logs must be kept for two years after the date of the last entry in the log.

Aircraft Technical Logs must be kept for two years after the date upon which the aircraft is destroyed or permanently withdrawn from use.

#### PENALTY:

Every person who violates a provision of the regulations is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year, or both.

REGULATIONS: Air Carrier Regulations, ss. 144, 149.

STATUTE: Aeronautics Act, s. 14.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

These requirements apply to every air carrier licensed to operate a commercial service.

RECORDS WHICH MUST BE KEPT:

The following records must be kept:

- (i) All tariffs issued by the carrier.
- (ii) Vouchers involving the purchase of property and equipment.
- (iii) All financial, accounting and statistical records.

DISCLOSURE:

Not specified.

RETENTION PERIOD:

- (i) All tariffs must be retained for five years from the date of cancellation.
- (ii) Vouchers involving the purchase of property and equipment must be kept for 20 years.
- (iii) Financial, statistical and accounting records must be retained for two years.

PENALTY:

Not specified.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, s. 151.

STATUTE: Animal Disease and Protection Act, s. 48.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every motor-carrier involved in the interprovincial or international transport of animals.

## RECORDS WHICH MUST BE KEPT:

For every motor vehicle and for every shipment of animals, a record showing:

- o the name and address of the shipper
- o the name and address of the consignee
- o the number and description of the livestock or other animals
- o the registration number of the motor vehicle
- o the time, date and place at which the livestock or other animals came into the carrier's custody
- o the time, date and place where the livestock or other animals were fed, watered and rested while in the carrier's custody
- o the time, date and place where the livestock were unloaded at destination
- o the name and address of the driver of the motor vehicle and
- o the date on which and the place where the motor vehicle was last cleaned and disinfected.

## DISCLOSURE:

An inspector appointed under the provisions of the Act may enter any premises or vehicle used for the transportation of livestock and examine any records required to be maintained.

## RETENTION PERIOD:

Six months from the date on which the animals were shipped.

## PENALTY:

Failure to comply with any provision of the Act or Regulations is punishable, on summary conviction, by a fine not exceeding \$500 or by imprisonment for six months or both.

\* \* \*

REGULATIONS: Canada Motor Vehicle Operators Hours of Service Regulations, ss. 2, 19, 20, 21, 22, 23, 24, 25, 26 and Schedules II and III.

STATUTE: Canada Labour Code, Part IV.

DEPARTMENT: Labour

## APPLICATION:

These requirements apply to everyone to whom the Canada Labour Code applies, as explained on pages 36 and 37.



## RECORDS WHICH MUST BE KEPT:

### (i) Records of Motor Vehicle Operators

A motor vehicle operator must keep a daily log in duplicate in the form in Schedule III of these regulations.

If the motor vehicle operator's home terminal (place of business to which the operator normally reports for work) is in the United States and he/she operates from the terminal to any point in Canada, he/she can use the Record of Hours of Service prescribed by the Bureau of Motor Carrier Safety of the United States Department of Transportation in the manner prescribed by these regulations for daily logs.

Every motor vehicle operator working for more than one motor carrier during a calendar year must forward (as soon as is reasonably practicable) a copy of the daily log to each motor carrier for whom he/she worked that day.

At least once in every week, the motor vehicle operator must send the original of the daily logs for that week to his/her home terminal or to the principal place of business of the motor carrier by whom he/she was employed.

A motor vehicle operator is defined as:

- o a motor carrier
- o an employee of a motor carrier
- o a subcontractor of a motor carrier
- o or an employee of a subcontractor of a motor carrier.

A motor carrier is a person engaged for hire in the operation of any work, business or undertaking for

- o the transportation of goods or passengers by motor vehicle from any point within a province to any point outside that province, or
- o the transportation of mail anywhere in Canada.

### (ii) Records of Motor Carriers

Every motor carrier must ensure that motor vehicle operators keep a daily log in accordance with the above requirements.

The motor carrier must keep the original copies of the daily logs sent in by the motor vehicle operators.

The original copies may be kept at the home terminal of the motor vehicle operator for not more than 30 days and then must be sent to the location where the motor carrier keeps the motor vehicle operator's records or to a place approved in writing by the Director for the Department of Labour.

Important exception for motor vehicle operators and motor carriers.

The motor vehicle operator is not required to keep a daily log and the motor carrier is not required to ensure that the motor vehicle operator keeps a daily log if:

- o the motor carrier maintains a record of the motor vehicle operator's total hours on duty per work shift that clearly indicates:
  - o his/her hours on duty and hours off duty in a manner acceptable to the Director (Regional Director of the Department of Labour) and
  - o the motor vehicle operator is not normally required by his/her employer to work in excess of 10 hours in any work shift or 50 hours in any period of 7 consecutive days and
  - o the motor vehicle operator normally reports to work at the home terminal at least once every two work shifts and
  - o the motor vehicle operator has a certificate set out in Schedule III of these regulations indicating that he/she is exempt from making the daily log.

The record kept by the motor carrier of the hours on and off duty of the motor vehicle operator must be kept in a neat and orderly manner.

If all the above requirements are complied with, and the motor vehicle operator is exempted from keeping a daily log, he/she still must keep one for the total hours on duty during the 7 days preceding any day on which he/she is required to keep a daily log. The log is kept on the days required and is subject to the same disclosure and retention requirements as a normal daily log.

**DISCLOSURE:**

The duplicate daily logs and the original daily log that the motor vehicle operator must keep in his/her possession must be available for inspection by any safety officer or motor transport inspector.

The original daily logs must be kept in a neat and orderly manner and be available for inspection upon request by any motor transport inspector.

The original daily logs must be available for inspection by any safety officer or motor transport inspector at the home terminal.

For general disclosure requirements under Part IV of the Canada Labour Code, see pages 37 and 38.

**RETENTION PERIOD:**

The duplicate copies of the daily logs must be kept in the motor vehicle operator's possession for the 30 preceding calendar days. The daily log completed to the time at which he commenced the duty in which he/she is currently engaged must be in his/her possession.

The daily log must be retained at the home terminal of the motor vehicle operator for 30 days and must then be forwarded to the approved location for retention of one year.

Every motor carrier shall ensure that all daily logs are kept for a period of not less than 13 months.

**PENALTY:**

Not specified.

\* \* \*

**REGULATIONS:** Pipeline Companies Records Preservation Regulations, ss. 1 to 7  
Gas Pipeline Uniform Accounting Regulations, all  
Gas Pipeline Regulations, ss. 40 to 73.

**STATUTE:** National Energy Board Act, ss. 10, 15.

**DEPARTMENT:** National Energy Board

**APPLICATION:**

These requirements apply to every company engaged in the construction or operation of a natural gas pipeline.

**RECORDS WHICH MUST BE KEPT:**

(i) Accounting Records.

- o the N.E.B. has, in the "Gas Pipeline Uniform Accounting Regulations", prescribed the system of accounts which must be kept by any gas pipeline company.
- o the accounting records of the company must conform to generally accepted accounting standards and be of sufficient detail to allow the verification of all entries made in the accounts.
- o as well, all minute books, stock books, reports, correspondence, memoranda, computer print outs, tapes, card decks or similar documentation should be kept.

(ii) Field Testing Records.

When a pipeline is coming into service or when any portion of a pipeline which has been replaced is coming into service, the following test procedure must be followed and the original logs kept by the company:

- o when the temperature of the test substance has stabilized, the pressure within the pipeline should be brought up to 20% of the specified minimum yield of the pipe (in the case of a gaseous test substance) or 50% of the specified minimum yield, in the case of a liquid test substance

- o at this time a leak test should be conducted, consisting of a visual inspection of the line or section of the line by aircraft, motor vehicle or on foot, whichever is the most practical
- o after the successful completion of this first leak test, a strength test should be conducted by bringing the pressure up to the required test pressure
- o at 80% of the specified minimum yield strength of the pipe a yield plot curve should be generated, prepared in relation to the volume of the test substance added and the increase in test pressure in the test section
- o the yield plot should continue to be recorded until the full test pressure is reached or until a deviation of 0.2 per cent of the volume of the section is observed
- o the pressure test of all main gas, gathering or mainline piping should continue for 24 hours, unless otherwise directed by the National Energy Board
- o during the currency of the test, deadweight tester readings should be taken every hour and if any rapid variations in test pressure occur, test pressure readings should be taken every 15 or 30 minutes to establish if such variations are linear, and
- o pipe temperature checks should be taken every six hours during the currency of the test.

The information described above for each test must be recorded in logs and test charts:

- o dated and signed by the company or its authorized agent conducting the tests;
- o showing the starting and stopping point of all tests with explanations of variations in recorded data
- o with drawings of the test section attached which show the piping at all stations and tie-in connections that were tested and the extent of the tests and
- o the drawings must also indicate all the sizes and specifications of the pipeline components under test.

(iii) Maps and technical data.

Maps to identify and locate the pipeline system and all major facilities such as:

- o compressors
- o pressure regulators
- o meter stations
- o plant facilities
- o rivers
- o lakes



- o canal crossings
- o highways
- o railroad crossings
- o major utility crossings and
- o block valves and rectifiers

should be kept.

A record of relevant technical data containing details of:

- o the location and length of pipe for each size installed, noting wall thickness, maximum yield strength, hydrostatic test pressure, and maximum allowable operating pressure
- o the locations and pressure ratings of all valves and fittings
- o the location and details of each crossing of the pipeline by a highway, railroad, utility or other pipeline
- o the location of corrosion test stations, vents, takeoffs, and by-passes, and river and swamp weight sections
- o the date, location and nature of all pipeline repairs and
- o in unstable soil areas where heaving is occurring, measurements of the displacement shall be taken at regular intervals so that critical stresses can be established and remedial action taken

must also be maintained.

(iv) Plan, profile and book of reference.

See the description of the form and content of these records on page 341 under "Oil Pipelines".

(v) Safety records.

Records sufficient to enable the development of proper procedures during emergency conditions, including the following information:

- o the nature, date and description of all inspections and the findings of inspectors
- o the names and phone numbers of agencies and persons to be contacted in case of an emergency and the location and description of major repair equipment
- o the pipeline location and nature of all pipeline repairs and
- o the results of any post-repair acceptance tests

should be maintained.

(vi) Station records.

Records pertaining to the operation of each station including:

- o the operating limits of temperature in all operating systems and
- o all unusual operating conditions

should be kept.

Station: any place at or near a pipeline that is used by a company in connection with the operation or maintenance of a pipeline.

DISCLOSURE:

The Accounting Records described in (i) above, must be readily available for examination by representatives of the National Energy Board.

With respect to the other records, it should be noted that the N.E.B. has full and exclusive jurisdiction to inquire into any matter where it appears to the Board that any person has failed to comply with the Act or Regulations.

The N.E.B. is a court of record and has all the powers of a superior court of record with respect to the attendance, swearing in and examination of witnesses, the enforcement of its orders and the entry upon or inspection of property.

RETENTION PERIOD:

The Accounting Records described in (i) must be kept permanently.

The Field Testing Records described in (ii) must be kept permanently.

The Maps and Technical Data described in (iii) must be kept for a period of six years after the project is deactivated or abandoned or after the Certificate of Public Convenience and Necessity is cancelled by the N.E.B..

The Plan, Profile and Book of Reference described in (iv) must be kept permanently.

No retention period is specified for the Safety Records described in (v) or the Station Records in (vi).

The National Energy Board may, upon application by a pipeline company, authorize the destruction of any of the records described above before the expiration of the prescribed period.

Also, the records described above may be maintained in the form of photographic or electrostatic copies.

PENALTY:

Breach of a regulation specifying the manner in which the accounts of the company are to be kept is an offence punishable on summary conviction.

In addition, the Board acting in its capacity as a court of record may order a person under its jurisdiction to do anything they may be required to do under the National Energy Board Act or Regulations or to refrain from doing anything which constitutes a breach of the Act or Regulations.

\* \* \*

REGULATIONS: Pipeline Companies Records Preservation Regulations, ss. 1 to 7  
Oil Pipeline Regulations, ss. 41, 42, 43, 44, 82, 83, 84, 85, 93, 103, 104, 105  
Oil Pipeline Uniform Accounting Regulations, all

STATUTE: National Energy Board Act, ss. 10, 11, 12, 29, 88.

DEPARTMENT: National Energy Board

#### APPLICATION:

These requirements apply to every company engaged in the construction or operation of an oil pipeline.

#### RECORDS WHICH MUST BE KEPT:

##### (i) Accounting records.

- o the National Energy Board has, in the Oil Pipeline Uniform Accounting Regulations, prescribed the system of accounts which must be maintained by an oil pipeline company
- o the accounting records of the company must conform to generally accepted standards and be of sufficient detail to allow the verification of all entries made in the accounts
- o as well, all minute books, stock books, reports, correspondence memoranda, computer print outs, tapes, card decks or similar documentation should be kept.

##### (ii) Engineering Records.

- o the company must keep the latest engineering records relating to the pipeline including maps, map reproductions, diagrams, profiles, plans, photographs, radiographic film or other evidence of non-destructive testing
- o records of engineering studies and similar documents related to proposed or completed construction projects.

##### (iii) Field testing records.

- o every new oil pipeline or any section of an existing pipeline that has been replaced must be subjected to pressure testing before being put into service

o every pressure test must include:

(a) A yield test, conducted within the following parameters:

- o the pressure must not be increased during the currency of the test at a rate exceeding 50 kilopascals per minute
- o a pressure/volume chart must record the volume of test medium injected for each 50 kilopascal pressure increment during the pressurizing period from 60% to 100% of the initial test pressure
- o the test must cease when the measurements of injected volume for a 50 kilopascal increase in line pressure exceeds 120% of the average of all previous measurements of injected volumes.

(b) A leak test, conducted within the following parameters:

- o a successful leak test requires that the test pressure remain within 2.5% of the initial test pressure, but not exceed a pressure that produces a material stress of 100% of the specified minimum yield strength, based on nominal wall thickness
- o continuous test pressures must be recorded
- o dead weight pressure readings should be taken and recorded at one hour intervals during the test.

The information described above for each test must be recorded in logs and test charts which:

- o are signed by the on-site employee conducting or supervising any test
- o show the starting and stopping times of all tests with explanation of any variations of the recorded data on the charts
- o have drawings of the test section attached indicating the sizes and specification of the pipeline under test
- o show the number, location and cause of each failure which occurred during any test and the amount of the test medium spilled.

(iv) Financial records.

- o all documents necessary to trace the transfer of costs from the beginning of construction to plant investment must be retained, including all:
  - o construction records
  - o vouchers
  - o construction work in process ledgers.

(v) Instrument records.

- o all instrumental readings used in support of the application for maximum operating pressure must be kept.



(vi) Records of malfunctions.

- o a record must be kept of all leaks, breaks and other malfunctions of a pipeline, including the repairs undertaken.

(vii) Manufacturing records.

- (a) A record of the procedures adopted by each manufacturer of plate or skelp, which must include:
  - o the name of the manufacturer
  - o the location of the facilities used in manufacturing
  - o details of the casting procedures including ingot procedures or continuous casting procedures
  - o details of the sampling procedures
  - o details of the rolling procedure including the degree of cross-rolling, schedule and temperature of reduction, any special thermal control procedures, the hot rolling temperature, any heat treatment after rolling and the size of the production heats.
- (b) A record of each manufacturer of pipe, including the following information:
  - o the name of the manufacturer
  - o location of the facilities
  - o method of pipe forming and welding
  - o approximate number of pipe lengths per heat
  - o details of mill welding
  - o the results of visual inspections, non-destructive tests, chemical composition testing, mechanical properties testing and metallurgical testing.
- (c) Written reports for each manufacturer and each size, grade and type of pipe including the following information:
  - o the number and size of heats used
  - o the total number of pipe lengths obtained from each heat
  - o the results of any testing (chemical, mechanical, metallurgical)
  - o the number of rejected pipe lengths and the reasons for rejection
  - o the number and cause of failures encountered during mill hydrostatic testing.

(d) Written reports for each manufacturer and each principal component including the following information:

- o the production forming procedures used
- o the heat treatment procedures used
- o the results of any testing
- o the number of rejected components and the reasons for rejection
- o the number and cause of any failures encountered during mill hydrostatic testing.

(e) Descriptions of pipe, quoting outside diameters and wall thicknesses must be maintained as well as a record of the location in a pipeline of lengths of pipe from different heats.

(viii) Meter station charts.

- o charts of static and differential pressure, temperature, specific gravity and heating value from each export and import meter station must be retained.

(ix) Operating records.

(a) Current records of the specifications and name plate data of all major pipeline equipment including pumps, drivers, control systems and storage tanks must be maintained as well as performance curves for all mainline pumps.

(b) Continuous records of the suction and discharge pressures at all pump stations must be maintained.

(c) Records of actual pipeline operating conditions including:

- o pump station operating pressures
  - o flow rates
  - o designations and batch sizes of all oil transported
- must be maintained.

(x) Plan, profile and book of reference.

- o a plan and profile of the pipeline must be drawn up, containing such information as the National Energy Board directs (Due to the similarity of the National Energy Board Act and the Railway Act in respect of these documents, the reader should check the information under "Railway Transport" in this chapter.)

- o the Book of Reference should contain the following information:

- o the portion of land to be taken in each lot to be traversed

- o the numbers of the lots
- o areas, lengths and widths of the portions to be taken
- o the names of the owners and occupiers.

In order to begin construction of a section of a pipeline, the Plan, Profile and Book of Reference must have been filed with, and approved by, the National Energy Board and copies deposited with the registrars of deeds in the counties or districts through which the pipeline is to pass.

#### DISCLOSURE:

The accounting records described in (i), above, must be readily available for examination by representatives of the National Energy Board.

The manufacturing records described in (vii), above, must be submitted to the N.E.B. on request.

With regard to the other records, it should be noted that the National Energy Board has full and exclusive jurisdiction to enquire into any matter where it appears to the Board that any person has failed to comply with the Act or Regulations.

The N.E.B. is a court of record and has all the powers of a superior court of record with respect to the attendance, swearing in and examination of witnesses, the enforcement of its orders and the entry upon and inspection of property.

#### RETENTION PERIOD:

The accounting records described in (i) must be kept permanently.

The engineering records described in (ii) must be kept for six years after the project is completed, deactivated or abandoned or until the certificate of Public Convenience and Necessity is cancelled by the National Energy Board.

Field testing records in (iii) must be kept permanently.

The financial records in (iv) must be kept permanently.

The instrument records described in (v) must be kept permanently.

The record of malfunctions in (vi) must be kept permanently.

The manufacturing records described in (vii) must be kept permanently.

The meter station charts described in (viii) must be kept for one year.

The operating records described in (ix) must be kept for three years.

The plan, profile and book of reference in (x) must be kept permanently.

PENALTY:

Breach of a Regulation specifying the manner in which the accounts of the company are to be kept is an offence punishable on summary conviction.

In addition, the Board, acting in its capacity as a court of record may order a person under its jurisdiction to do anything they may be required to do under the National Energy Board Act or Regulations or to refrain from doing anything which constitutes a breach of the Act or Regulations.

\* \* \*

STATUTE: Railway Act, ss. 6, 109, 110, 111, 347.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

The Railway Act applies to all railways who come under the jurisdiction of the Canadian Transport Commission. That is:

- o any railway company operating or running trains from any point in the United States to any point in Canada; and
- o any railway constructed under the authority of the Parliament of Canada or operated by a company within the legislative authority of the Parliament of Canada

but not including:

- o any electric or street railway
- o any electric suburban railway or tramway

that has been constructed under the authority of a provincial legislature.

RECORDS WHICH MUST BE KEPT:

(i) A plan containing the following information:

- o the rights of way with lengths of sections in miles
- o the names of terminal points
- o the station grounds
- o the property lines and owner's names
- o the areas, lengths and widths of lands proposed to be taken, in figures, stating any change of width or other accurate description
- o the bearings
- o all open drains, watercourses, highways and railways proposed to be crossed or affected.



(ii) A profile showing:

- o the grades, curves, highway and railway crossings, open drains and watercourses.

(iii) A book of reference showing:

- o the portion of land to be taken in each lot to be traversed
- o the numbers of the lots
- o areas, lengths and widths of the portion proposed to be taken
- o the names of owners and occupiers.

DISCLOSURE:

The railway company must file a copy of the Plan and Profile with the Canadian Transport Commission within six months of the completion of the undertaking or the commencement of operations on the completed part of the railway.

In addition, a copy of each relating to land located within each county must be filed in the registry office for that county.

RETENTION PERIOD:

The Plan, Profile and Book of Reference must be kept permanently.

PENALTY:

Failure to file a copy of the Plan and Profile with the Canadian Transport Commission is punishable by a fine of \$200 for each month during which the failure continues.

\* \* \*

REGULATIONS: Animal Disease and Protection Regulations, s. 151.

STATUTE: Animal Disease and Protection Act, s. 48.

DEPARTMENT: Agriculture

APPLICATION:

These requirements apply to every railway company engaged in the interprovincial or international transport of livestock.

RECORDS WHICH MUST BE KEPT:

For every railway car in which the animals are transported, a record showing:

- o the name and address of the shipper

- o the name and address of the consignee
- o the number and description of the livestock and other animals
- o the identifying number of the railway car
- o the time when, the date on which and the place where the livestock or other animals came into the carrier's custody
- o the time, date and place where the livestock were fed, watered and rested while in the carrier's custody.

**DISCLOSURE:**

An inspector appointed under the provisions of the Act may enter any premises or railway car used for the transportation of livestock and examine any records required to be maintained.

**RETENTION PERIOD:**

The record described above must be retained for six months from the date on which the livestock was shipped.

**PENALTY:**

Failure to comply with any provision of the Act or Regulations is punishable, on summary conviction, by a fine not in excess of \$500 or imprisonment for a term not in excess of six months or both.

\* \* \*

**REGULATIONS:** Flammable Liquids Bulk Storage Regulations, ss. 59, 65.

**STATUTE:** National Transportation Act  
Railway Act, s. 395.

**DEPARTMENT:** Canadian Transport Commission

**APPLICATION:**

These requirements apply to any bulk storage facilities for flammable liquids owned or operated by a railway company subject to the jurisdiction of the Canadian Transport Commission (see page 346).

**RECORDS WHICH MUST BE KEPT:**

Each spring, after the ground has thawed completely, the owning or operating company must test the storage facilities for leakage by subjecting all marine dock pipelines to a pressure test 50% in excess of maximum operating pressure. The results of this annual leakage test must be retained on file at the company's office.

DISCLOSURE:

The inspecting engineer appointed by the CTC may examine these records at any reasonable time.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the requirements outlined above is punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.

\* \* \*

REGULATIONS: Free and Reduced Rate Transportation Regulations, ss. 25, 31, 32, 37, 48, Schedules 6, 7.  
Railway Free and Reduced Rate Transportation Regulations, ss. 6, 8.

STATUTE: National Transportation Act  
Railway Act, s. 395.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

These requirements apply to all railway companies subject to the jurisdiction of the Canadian Transport Commission (see page 346).

RECORDS WHICH MUST BE KEPT:

(i) A complete record must be kept of free passenger fare tickets showing:

- o date issued
- o form
- o number of the ticket
- o station from
- o station to
- o name of the person to whom it was issued
- o address of the person to whom it was issued
- o why the pass was issued
- o the amount of the fare and
- o name of the officer authorizing the issue.

(ii) A complete record of annual or term passes issued must be kept, organized:

- o in book form, in alphabetical order by the surname of the person to whom it was issued or in numerical order by ticket

- o if the information is organized alphabetically, there should be an index organized numerically, if organized in numerical order there should be an alphabetical index
- o alternatively (i.e. instead of maintaining the records in book form) a card system may be kept, with cards made in duplicate, with one set in alphabetical order by the surnames of the persons to whom the passes have been issued.

(iii) A record must be kept of pass stock ordered by the officer in charge, organized in the following manner:

- o the entire stock received should be entered on the debit side of the record
- o all stock distributed among other officers, countersigning subordinates and all stock destroyed by him/her should be entered on the credit side of the record.

(iv) A record of pass stock of all types should be maintained by the officer of the company responsible at the same place where the records of passes and reduced certificates are maintained.

(v) All requests for passes must be retained and filed in the same place where the records of passes and reduced rate certificates are maintained.

#### DISCLOSURE:

The Canadian Transport Commission has full jurisdiction to inquire into any allegation that a railway company or any person has failed to comply with or is in violation of any provision of the Railway Act or Regulations.

The Minister of Transport, the Canadian Transport Commission, the inspecting engineer appointed by the CTC or any person appointed to conduct an inquiry may at any reasonable time:

- o enter and inspect any place, building or works owned or operated by a railway company
- o require the production of any relevant books, records or other documents.

#### RETENTION PERIOD:

In all cases, the records must be retained for three years.

#### PENALTY:

Failure to maintain the records in the manner described is an offence punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.



REGULATIONS: Heating and Power Boilers Regulations, s. 14.

STATUTE: National Transportation Act, s. 45.  
Railway Act, s. 395.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

These requirements apply to any boilers owned or operated by a railway company subject to the jurisdiction of the Canadian Transport Commission (see page 346).

Notwithstanding the above, these regulations and requirements do not apply to:

- o boilers or steam locomotives
- o steam heating boilers operating at a pressure of 15 psi or less
- o steam boilers in hotels, office buildings or other public places that do not form part of any railway yard, railway station or shop premises
- o steam boilers of contractors used in railway undertakings.

RECORDS WHICH MUST BE KEPT:

All boilers must be washed out and examined for structural defects as often as is necessary to maintain them in safe operating condition. A record of each boiler washout and examination must be retained by the company.

DISCLOSURE:

The Canadian Transport Commission has full jurisdiction to inquire into any allegation that a railway company or any person has failed to comply with or is in violation of any provision of the Railway Act or Regulations.

The Minister of Transport, the Canadian Transport Commission, the inspecting engineer appointed by the CTC or any person appointed to conduct an inquiry may at any reasonable time:

- o enter and inspect any place, building or works owned by a railway company
- o require the production of any relevant books, records or documents.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the requirements outlined above is punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.

REGULATIONS: Locomotive Boilers Regulations, ss. 15, 17(1), 17(2).

STATUTE: National Transportation Act, s. 45.  
Railway Act, s. 395

DEPARTMENT: Canadian Transport Commission

#### APPLICATION:

These requirements apply to all locomotive boilers owned or operated by a railway company subject to the jurisdiction of the Canadian Transport Commission (see page 346).

#### RECORDS WHICH MUST BE KEPT:

An accurate record of all locomotive boiler washouts containing the following information should be kept:

- o the number of the locomotive
- o the date of the washout
- o the signature of the boiler washer or inspector
- o statements that the spindles of gauge cocks and water glass cocks were removed and the cock cleaned
- o the signature of the boiler inspector or the employee who removed the spindles and cleaned the cocks.

These records must be kept at the office of the railway company.

#### DISCLOSURE:

The Canadian Transport Commission has full jurisdiction to inquire into any allegation that a railway company or any person has failed to comply with or is in violation of any provision of the Railway Act or any Regulation.

The Minister of Transport, the Canadian Transport Commission, the inspecting engineer appointed by the CTC or any person appointed to conduct an inquiry may at any reasonable time

- o enter and inspect any place, building or works owned by a railway company
- o require the production of any relevant books, records or documents.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply with the requirements outlined above is punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.

REGULATIONS: Railway Motive Power Equipment Regulations, ss. 3, 6, 7.

STATUTE: National Transportation Act  
Railway Act, s. 394.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

These requirements apply to any railway company subject to the jurisdiction of the Canadian Transport Commission (see page 346).

RECORDS WHICH MUST BE KEPT:

A certificate must be completed once every three months for each piece of motive power equipment in service.

Motive Power Equipment: Locomotives other than steam locomotives, and such rolling stock as may be used in the control of trains or in the generation of steam or electric power.

DISCLOSURE:

The certificate must be completed in triplicate and distributed as follows:

- o a copy to the Director of Operation of the Railway Transport Committee of the Commission in Ottawa
- o a copy to be displayed under transparent cover at a prominent location in all motive power equipment and
- o a copy to be retained on file by the railway company.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply is punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.

\* \* \*

REGULATIONS: Railway Cars Gas Fuel Systems Regulations, ss. 3, 26.

STATUTE: National Transportation Act, s. 45  
Railway Act, s. 395.

DEPARTMENT: Canadian Transport Commission

#### APPLICATION:

These requirements apply to any railway company subject to the jurisdiction of the Canadian Transport Commission (see page 346) which owns or operates railway cars using natural gas fueled heating, lighting, refrigeration or cooking systems.

#### RECORDS WHICH MUST BE KEPT:

After installation and prior to operation, a test at not less than 1 1/2 times operating pressure must be conducted on the portion of the system between the gas container and the appliance. The record of the results of this test must be kept.

#### DISCLOSURE:

The Canadian Transport Commission has full jurisdiction to inquire into any application complaining that any company or person has failed to comply or is in violation of the Railway Act or any Regulation.

The Minister of Transport, the Canadian Transport Commission, the inspecting engineer appointed by the Canadian Transport Commission or any person appointed to conduct an inquiry may:

- o enter and inspect any place, building or works owned by the railway company and
- o require the production of all relevant books, records and documents

at any reasonable time.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to comply with the provisions outlined above is punishable by a fine of not less than \$20 and not more than \$5,000 of each instance of non-compliance.



REGULATIONS: Uniform Code of Operating Rules, ss. 209 to 214.

STATUTE: National Transportation Act, s. 45  
Railway Act, s. 395.

DEPARTMENT: Canadian Transport Commission

#### APPLICATION:

These requirements apply to all railway companies under the jurisdiction of the Canadian Transport Commission (see page 346).

#### RECORDS WHICH MUST BE KEPT:

A train order book, maintained by the operator must be kept containing:

- o a copy of each train order (the original must be delivered to the train)
- o a copy of each written train order
- o in the case of an order which is directed to several offices and therefore must be repeated and the repeat has been delayed, the operator at an office from which a repeat has already been made must check each subsequent repeat. The office checking the repeats must be recorded in the train order book
- o the clearance for each train, noted on the appropriate train order must be recorded (the original clearance must be delivered to the train)
- o when clearances are taken up and destroyed, the operator must mark his/her copy "Void" and note the time destroyed.

#### DISCLOSURE:

The Canadian Transport Commission has full jurisdiction to inquire into any allegation that a railway company or any person has failed to comply or has violated any provision of the Railway Act or Regulations.

The Minister of Transport, the Canadian Transport Commission, the inspecting engineer appointed by the CTC or any person authorized to conduct an inquiry may at any reasonable time:

- o enter and inspect any place, building or works owned by a railway company
- o require the production of any relevant books, records or documents.

#### RETENTION PERIOD:

Not specified.

#### PENALTY:

Failure to maintain the records above is punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.

REGULATIONS: Air Pollution and Smoke Control Regulations, ss. 3, 10, 11.

STATUTE: Railway Act, s. 395.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

These requirements apply to all railway companies subject to the jurisdiction of the Canadian Transport Commission (see page 346).

However:

- o in any province except Ontario, only in municipalities that:
  - o have passed a bylaw and
  - o have appointed a municipal smoke control officer.
- o in Ontario, only in municipalities that:
  - o have passed a bylaw
  - o have appointed a municipal smoke control officer
  - o to which the Regulations under the Air Pollution Control Act apply.

RECORDS WHICH MUST BE KEPT:

Records, reports and data relating to the production of smoke and its control within the municipality must be kept.

Smoke: includes exhaust emissions from buildings, incinerators and fuel burning equipment.

DISCLOSURE:

These records must be produced to a municipal smoke control officer for inspection on his/her request.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to comply with the provisions outlined above is punishable by a fine of not less than \$20 and not more than \$5,000 for each instance of non-compliance.

REGULATIONS: Railway Employees Vision and Hearing Examination Regulations, s. 9.

STATUTE: National Transportation Act, s. 45  
Railway Act, s. 395.

DEPARTMENT: Canadian Transport Commission

APPLICATION:

These requirements apply to all railways subject to the jurisdiction of the Canadian Transport Commission (see page 346).

In the case of international movements the company may use the higher standards in use on American Railways.

RECORDS WHICH MUST BE KEPT:

Vision and hearing tests must be conducted on certain employees of all railway companies. Records of the results of these tests must be retained. The specific employments for which these tests are required are set out in the schedules to the Act which also prescribe the form these tests must take for different employees. The Schedules are too extensive to reproduce here and so for more detailed information, recourse should be had to the statute itself.

DISCLOSURE:

These records must be made available for inspection to an inspecting engineer or other authorized inspector appointed by the CTC.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain the records described above is punishable by a fine of not less than \$20 and not more than \$5,000 for each infraction.

\* \* \*

REGULATIONS: Boat and Fire Drill Regulations, s. 13

STATUTE: Canada Shipping Act, ss. 188, 250, 251, 261, 262, 264, 266, 504.

DEPARTMENT: Transport

APPLICATION:

These requirements apply to every foreign-going ship and every home trade vessel of over 50 tons register tonnage.

RECORDS WHICH MUST BE KEPT:

An official log book must be kept containing the following information entered by the Master:

- o every conviction by a legal tribunal of a member of his/her crew and the punishment inflicted
- o every offence committed by a member of his/her crew for which it is intended to prosecute and the response made by the crew member to the charge
- o every offence for which punishment is inflicted on board and the punishment
- o a statement of the conduct, character and qualifications of each of the crew or a statement by the Master that the crewman refuses to give a statement on those particulars
- o every case of illness or injury to a member of the crew and the medical treatment rendered
- o every birth of a child or death of a person aboard ship
- o every marriage taking place aboard ship with the name and ages of the parties
- o the name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause
- o the wages due any seaman who enters Her Majesty's Naval Service during the voyage
- o the wages due any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made from that amount
- o a record of the sale of all the effects of a seaman or apprentice who died during the voyage, including a statement of each article sold and the sum received for it
- o full particulars of every boat and fire drill (for ships where an official log book is not required this information should be recorded on the agreement with the crew)



- o every collision with another ship and the circumstances under which it occurred
- o the date a notice was posted on the ship of the vessel's draught and seaboard
- o where the Master has disrated a seaman, a statement of the disrating
- o every desertion from a ship in any port outside Canada.

DISCLOSURE:

The Master of every foreign going Canadian ship must deliver the official log book to the Shipping Master within forty-eight hours of the ship's arrival at its final destination in Canada.

The owner of every home trade ship shall, within twenty-one days of the 30th of June and the 31st of December each year, transmit the log to some shipping master in Canada.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain a log book as described is punishable by a fine not exceeding \$25.

Failure to deliver the log book in the manner specified above is an offence punishable on summary conviction by a fine not exceeding \$100.

Everyone who mutilates, destroys or renders illegible an entry in the official log is, for each instance, guilty of an indictable offence.

\* \* \*

STATUTE: Canada Shipping Act, s. 441.

DEPARTMENT: Transport

APPLICATION:

These requirements apply to every passenger steamship registered in Canada. (Where an official log book is required to be kept, the following information should be recorded in it. If the vessel is not required to carry a log book (i.e., every home-trade vessel of less than 50 tons registered tonnage) then the following information must be recorded in the agreement with the crew.)

RECORDS WHICH MUST BE KEPT:

A record of the following must be kept:

- o the time of opening and closing of watertight doors or other appliances required to be kept closed at sea
- o the time of opening and closing watertight doors that may be required to be opened at sea for the working of a steamship
- o every occasion on which the watertight doors are opened, closed or inspected and on which boat drills take place
- o every occasion on which boat drills or fire drills are practised
- o every occasion on which lifesaving or fire extinguishing equipment is tested/-examined.

DISCLOSURE:

The Master of every foreign going Canadian ship must deliver the official log book to the Shipping Master within forty-eight hours of the ship's arrival at its final destination in Canada.

The owner of every home trade ship shall, within twenty-one days of the 30th of June and the 31st of December each year, transmit the log to some shipping master in Canada.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain a log book as described is punishable by a fine not exceeding \$25.

Failure to deliver the log book in the manner specified above is an offence punishable on summary conviction by a fine not exceeding \$100.

Everyone who mutilates, destroys or renders illegible an entry in the official log is, for each instance, guilty of an indictable offence.

\* \* \*

REGULATIONS: Load Line Regulations (Sea)

STATUTE: Canada Shipping Act, s. 441.

DEPARTMENT: Transport

APPLICATION:

These requirements apply to every ship engaged on an international voyage.

## RECORDS WHICH MUST BE KEPT:

A record of the following must be kept:

- o before any other entry is made in the log book, the fresh water allowance and the position of the deck line and the load lines mentioned in the load line certificate must be recorded
- o a record of boat and fire drills and examinations of life saving appliances and fire extinguishing equipment
- o a record of the practices of opening and closing watertight doors
- o a daily record of radio conditions and the state of the ship's radio apparatus.

## DISCLOSURE:

The Master of every foreign going Canadian ship must deliver the official log book to the Shipping Master within forty-eight hours of the ship's arrival at its final destination in Canada.

The owner of every home trade ship shall, within twenty-one days of the 30th of June and the 31st of December each year, transmit the log to some shipping master in Canada.

## RETENTION PERIOD:

Not specified.

## PENALTY:

Failure to maintain a log book as described is punishable by a fine not exceeding \$25.

Failure to deliver the log book in the manner specified above is an offence punishable on summary conviction by a fine not exceeding \$100.

Everyone who mutilates, destroys or renders illegible an entry in the official log is, for each instance, guilty of an indictable offence.

\* \* \*

REGULATIONS: Oil Pollution Prevention Regulations, ss. 30, 31.

STATUTE: Canada Shipping Act, s. 441.

DEPARTMENT: Transport

## APPLICATION:

These requirements apply to every ship of 150 tons, gross tonnage, that carries oil as fuel or cargo.

## RECORDS WHICH MUST BE KEPT:

An oil record book in which entries shall be made when:

(a) in the case of a tanker:

- o oil cargo is loaded
- o oil cargo is transferred on board
- o oil cargo is unloaded
- o cargo tanks are ballasted
- o cargo tanks are cleaned
- o there has been a discharge of ballast from uncleaned cargo tanks
- o there has been a discharge of water from slop tanks
- o oil residues have been disposed of
- o bilge water that contains oil that accumulated in the machinery spaces while the ship was in port has been discharged overboard
- o any routine discharge at sea of bilge water containing oil has occurred
- o there has been any accidental or exceptional discharge of oil or an oily mixture.

(b) in the case of a ship other than a tanker:

- o there has been a ballasting or cleaning of bunker fuel tanks
- o discharge of water ballast from uncleaned bunker fuel tanks and discharge of cleaning water from bunker fuel tanks has occurred
- o disposal of oil residues has occurred
- o there has been any discharge overboard of bilge water containing oil that has accumulated in the machinery spaces while the ship was in port
- o upon any routine discharge at sea of bilge water containing oil
- o upon any accidental or other exceptional discharge of oil or any oily mixture.

The Oil Record Book described above may be kept in the form specified in the schedule to the regulations or may form part of the Official Log Book.

## DISCLOSURE:

The Master of every foreign going Canadian ship must deliver the official log book to the Shipping Master within forty-eight hours of the ship's arrival at its final destination in Canada.



The owner of every home trade ship shall, within twenty-one days of the 30th of June and the 31st of December each year, transmit the log to some shipping master in Canada.

RETENTION PERIOD:

Not specified.

PENALTY:

Failure to maintain a log book as described is punishable by a fine not exceeding \$25.

Failure to deliver the log book in the manner specified above is an offence punishable on summary conviction by a fine not exceeding \$100.

Everyone who mutilates, destroys or renders illegible an entry in the official log is, for each instance, guilty of an indictable offence.

\* \* \*

## UTILITIES:

Atomic Energy - <u>Atomic Energy Control Regulations, (Atomic Energy Control Act)</u> .....	364
Electricity - <u>Electricity Inspection Act</u> .....	365
Natural Gas - <u>Gas and Gas Meters Regulations, (Gas Inspection Act)</u> .	366
Persons using water in the territorial lands of Canada - <u>Northern Inland Waters Regulations, (Northern Inland Waters Act)</u> ..	367

\* \* \*

REGULATIONS: Atomic Energy Control Regulations, s. 11, 12.

STATUTE: Atomic Energy Control Act

DEPARTMENT: Energy, Mines and Resources

## APPLICATION:

These requirements apply to every person to whom:

- o a license has been issued to produce, mine, prospect for, refine, use, sell or process for any purpose any prescribed substance; or
- o a license has been issued to operate a nuclear facility.

## RECORDS WHICH MUST BE KEPT:

In either case the licensee must maintain records containing the following information:

- o the nature, form and quantity of the substance obtained or used
- o the location of the substance
- o the names of all persons involved in the use or handling of the substance
- o particulars of the disposal of the substance and of the licence under which it was disposed
- o all necessary records to show the dose of ionizing radiation received by any person using the substance or operating the facility, including reports of all medical examinations.

In addition to the above, the Atomic Energy Board may require any licensee to maintain additional records in the interest of health, safety or security.

DISCLOSURE:

The Board or a designated officer may appoint an inspector who then may inspect records of any prescribed substance at any nuclear facility or at any place a prescribed substance is located.

RETENTION PERIOD:

Not specified.

PENALTY:

Any person who contravenes the provisions of the Act or Regulations is guilty of an offence punishable:

- o on summary conviction by a fine not exceeding \$5,000 or to imprisonment for a term not exceeding two years or both

OR

- o on indictment by a fine not exceeding \$10,000 or to imprisonment for a term not exceeding five years or both.

Where an offence has been committed by a company every person who at the time was an officer or director of the company is guilty of a like offence if he/she acquiesced in its commission.

\* \* \*

STATUTE: Electricity Inspection Act, ss. 8, 13, 24.

DEPARTMENT: Consumer and Corporate Affairs

APPLICATION:

These requirements apply to any company, commission, corporation, municipality or person undertaking to furnish electrical energy to any purchaser and supplying a meter to determine the amount of electricity used.

RECORDS WHICH MUST BE KEPT:

Before being put into service each meter must be verified by an inspector from the Department of Consumer and Corporate Affairs. After verification and during service, the contractor supplying the electrical energy must keep records for each meter showing its location and the date each departmental test was carried out on it.

DISCLOSURE:

A duly authorized inspector may examine these records at any time during the normal business hours of the contractor.

RETENTION PERIOD:

Not specified.

PENALTY:

Every contractor who fails to maintain the records as required or who fails to grant an authorized inspector access to those records is guilty of an offence and liable to a fine of not less than \$10 and not more than \$50.

\* \* \*

REGULATIONS: Gas and Gas Meters Regulations, s. 13.

STATUTE: Gas Inspection Act, ss. 9, 16

DEPARTMENT: Consumer and Corporate Affairs

APPLICATION:

The following records retention requirements apply to every contractor supplying gas to any purchaser.

RECORDS WHICH MUST BE KEPT:

Complete records must be kept respecting every meter and auxilliary device in his/her system.

This information may be kept in a meter register book supplied by the Director (the Director General, Consumer Standards Directorate, Consumer and Corporate Affairs) but if a suitable card register is kept, that is sufficient.

DISCLOSURE:

The Director may appoint an inspector for the purposes of the Act who is authorized to demand the production for inspection of any records required to be maintained.

RETENTION PERIOD:

Not specified.

PENALTY:

Every contractor who fails to keep the records required by the Act or fails to grant an inspector access, is liable to a fine of not less than \$5 and not more than \$50.

\* \* \*



REGULATIONS: Northern Inland Waters Regulations, ss. 2, 3.

STATUTE: Northern Inland Waters Act, ss, 2, 5, 29, 30, 31, 33.

DEPARTMENT: Indian Affairs and Northern Development

APPLICATION:

These requirements apply to every person holding a valid and subsisting license for the use of waters in any of the areas listed below:

- o Great Slave Lake, all waters draining into it and all river basins draining into it
- o Great Bear Lake, all waters draining into it, all river basins draining into it, the Great Bear River and all the basins of the Great Bear River and its tributaries
- o the Mackenzie River, all its tributaries and the basins of the Mackenzie River and its tributaries
- o all the islands in James Bay, Hudson Bay and Hudson Strait and all the Arctic Islands
- o all the waters of the mainland draining into Hudson's Bay and Foxe Basin and all the river basins of the mainland draining into them
- o all waters of the mainland draining into the Arctic Ocean
- o the Liard River, its basins and tributaries
- o the Yukon River, its basins and tributaries
- o the Alesk Rivers, its basins and tributaries
- o the Peel River, its basins and tributaries
- o the Porcupine River, its basins and tributaries
- o all the waters of the mainland draining into the Beaufort Sea and all the river basins of the mainland draining into the Beaufort Sea and Herschel Island.

RECORDS WHICH MUST BE KEPT:

Every licensee must keep detailed records and books of the quantity of water used under his/her license.

DISCLOSURE:

An inspector appointed by the Minister of Indian Affairs and Northern Development may examine any books and records which he/she believes contain

information relating to the use of water or any process that is likely to result in waste being discharged into the waters listed above.

RETENTION PERIOD:

Not specified.

PENALTY:

Any person who does not allow an inspector this access is guilty of an offence, punishable on summary conviction by a fine of not more than \$500 or imprisonment for up to six months or both.

\* \* \*

## FEDERAL GOVERNMENT DEPARTMENTS

Statutes which appear in this book are listed below under the department responsible for their administration. Citations and the legislative history of the statute have been omitted; these appear in the alphabetical index of statutes beginning on page 375.

### AGRICULTURE

Animal Disease and Protection Act, pp. 70, 74, 163, 247, 251, 271, 326, 333, 347.

Canada Agricultural Products Marketing Act, pp. 68, 69, 70, 73, 167, 236, 248, 249, 250, 256, 257, 325.

Canada Agricultural Products Standards Act, pp. 80, 235.

Canada Grain Act, p. 234.

Canadian Dairy Commission Act, p. 232.

Grain Futures Act, p. 104.

Livestock Feed Assistance Act, pp. 233, 322.

Livestock & Livestock Products Act, pp. 72, 76, 79, 81, 253, 254, 255, 325.

Livestock Pedigree Act, p. 75.

Maple Products Industry Act, pp. 77, 166, 252.

Pest Control Products Act, pp. 78, 158, 241, 266.

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### CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

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### CANADIAN TRANSPORT COMMISSION

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### COMMUNICATIONS

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## CONSUMER AND CORPORATE AFFAIRS

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Canada Cooperative Associations Act, p. 100.

Canadian and British Insurance Companies Act, pp. 105, 107, 110.

Combines Investigation Act, p. 13.

Consumer Packaging and Labelling Act, p. 242.

Electricity Inspection Act, p. 365.

Gas Inspection Act, p. 366.

Hazardous Products Act, pp. 139, 238, 315.

Income Tax Rebate Discounting Act, p. 230.

Maple Products Industry Act, pp. 77, 166, 252.

Trust Companies Act, p. 115.

## ENERGY, MINES AND RESOURCES

Atomic Energy Control Act, p. 364.

Explosives Act, pp. 186, 239, 310.

National Energy Board Act, pp. 302, 303.

Oil and Gas Production and Conservation Act, pp. 194, 196, 197, 198, 200.

Petroleum Administration Act, pp. 171, 172, 294, 295, 296, 298, 299, 301, 321, 323.

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## ENVIRONMENT

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Migratory Birds Convention Act, pp. 130, 228.

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## FINANCE

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Canadian and British Insurance Companies Act, pp. 105, 107, 110.

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## FISHERIES AND OCEANS

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Fishing and Recreational Harbours Act, pp. 129, 209.

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## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

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## INDUSTRY, TRADE AND COMMERCE

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## JUSTICE

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## NATIONAL ENERGY BOARD

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Statistics Act, p. 18.





## STATUTES

The statutes which appear in this book are organized below in alphabetical order, with the legislative history of each to March 31, 1979 following.

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Animal Disease and Protection Act R.S.C. 1970, c. A-13 as amended by S.C. 1974-75-76, c. 86, s.21. pp. 70, 74, 163, 247, 251, 271, 326, 333, 347.

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Bankruptcy Act R.S.C. 1970, c. B-3. p. 117.

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Canada Agricultural Products Marketing Act R.S.C. 1970, c. A-7. pp. 68, 69, 70, 73, 167, 236, 248, 249, 250, 256, 257, 325.

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Canadian and British Insurance Companies Act, R.S.C. 1970, c. I-15. pp. 105, 107, 110.

Canada Business Corporations Act, S.C. 1974-75-76, c. 33 as amended by S.C. 1978-79, c. 9, ss. 1, 20, 71, 72. p. 33.

Canada Cooperative Associations Act, S.C. 1970-71-72, c. 6. p. 100.

Canada Evidence Act, R.S.C. 1970, c. e-10. p. 3.

Canada Grain Act S.C. 1970-71-72, c. 7. p. 234.

Canada Labour Code, R.S.C. 1970 c. L-1 as amended by c. 17 (2nd Supp), ss. 3, 18; S.C. 1972, c. 18, s. 1; 1976-77, c. 28, ss. 21, 49(F); 1977-78, c. 27, ss. 2, 22, 24. pp. 36, 39, 42, 45, 46, 48, 51, 54, 56, 58, 59, 60, 61, 63, 64, 65, 334.

Canada Shipping Act R.S.C. 1970, c. S-9. pp. 316, 358, 359, 360, 361.

Canada Pension Plan Act R.S.C. 1970, c. C-5 as amended by S.C. 1974-75-76, c. 4, ss. 9, 10, 12, 13, 14, 15, 17, 18. pp. 4, 224.

Canadian Dairy Commission Act R.S.C. 1970, c. C-7. p. 232.

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Coastal Fisheries Protection Act R.S.C. 1970, c. C-21. pp. 123, 165.

Combines Investigation Act R.S.C. 1970, c. C-23, as amended by S.C. 1974-75-76, c. 76, ss. 1, 7. p. 13.

Consumer Packaging and Labelling Act S.C. 1970-71-72, c. 41. p. 242.

Cooperative Credit Associations Act, R.S.C. 1970, c. C-29 as amended by S.C. 1973-74, c. 37, ss. 1, 2. p. 103.

Criminal Code R.S.C. 1970, c. C-34 as amended by S.C. 1976-77, c.53, s.3 pp. 188, 210, 220, 225, 312.

Customs Act R.S.C. 1970, c. C-40 pp. 237, 309.

Defence Production Act R.S.C. 1970, c. D-2. p. 207.

Electricity Inspection Act R.S.C. 1970, c. e-4. p. 365.

Excise Act R.S.C. 1970, c. E-12 as amended by R.S.C. 1070 (1st Supp) c. 15, s. 6. pp. 136, 138, 168, 169, 170, 181, 238, 272.

Excise Tax Act R.S.C. 1970, c. E-13 as amended by S.C. 1974-75-76, s. 18(2); c. 62, ss. 1, 7. pp. 173, 246, 293.

Explosives Act R.S.C. 1970, c. E-15 as amended by S.C. 1974-75-76, c. 60, ss. 7, 8. pp. 186, 239, 310.

Fair Wages and Hours of Labour Act R.S.C. 1970, c. L-3. p. 93.

Financial Administration Act R.S.C. 1970 c. F-10 as amended by S.C. 1974-75-76, c. 33, s. 265 (Item 3); 1978-79, c. 9, s. 1 "265" (F). p. 206.

Fish Inspection Act R.S.C. 1970 c. F-12 pp. 128, 164.

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Fishing and Recreational Harbours Act S.C. 1977-78, c. 30 as amended by S.C. 1978-79, c. 13, s. 33. pp. 129, 209.

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Hazardous Products Act R.S.C. 1970, c. H-3. pp. 139, 238, 315.

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Indian Act R.S.C. 1970, c. I-6. pp. 133, 194.

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Migratory Birds Convention Act R.S.C. 1970, c. M-12. pp. 130, 228.

Motor Vehicle Safety Act R.S.C. 1970, c. 26(1st Supp) as amended by S.C. 1976-77, c. 19, ss. 1, 2, 6. pp. 182, 305.

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Narcotic Control Act R.S.C. 1970, c. W-1. pp. 144, 214, 223, 260, 288.

National Energy Board Act R.S.C. 1970, c. W-6 as amended by R.S.C. 1970 (1st Supp.), ss. 9, 30. pp. 302, 303, 337, 341.

National Housing Act R.S.C. 1970, c. W-10 as amended by S.C. 1974-75-76, c. 38, s. 1. p. 96.

National Parks Act R.S.C. 1970 c. W-14 as amended by S.C. 1974, c. 11, s. 4. p. 192.

National Parks Act R.S.C. 1970, c. N-13. pp. 92, 228, 317, 318.

National Transportation Act R.S.C. 1970 c. W-17 as amended by S.C. 1977-78, c. 22, ss. 18. pp. 348, 349, 351, 352, 353, 354, 355, 357.

Northern Inland Waters Act R.S.C. 1970, c. 28 (1st Supp). p. 367.

Northern Pacific Halibut Fisheries Convention Act, R.S.C. 1970, C. F-17. p. 125.

Oil and Gas Production and Conservation Act R.S.C. 1970, c. O-4 as amended by R.S.C. 1970 (1st Supp), c. 30, s.6. pp. 194, 196, 197, 198, 200.

Pest Control Products Act R.S.C. 1970, c. P-10. pp. 78, 158, 241, 266.

Petroleum Administration Act S.C. 1974-75-76, c. 47 as amended by S.C. 1977-78, c. 24, s. 1. pp. 171, 172, 294, 295, 296, 298, 299, 301, 321, 323.

Petroleum Corporations Monitoring Act S.C. 1977-78, c. 39. pp. 175, 204, 304.

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Statistics Act S.C. 1970-71-72, c. 15. p. 18.

Territorial Lands Act R.S.C. 1970, c. T-6 as amended by R.S.C. 1970 (1st Supp), c. 48, s. 25. pp. 174, 201, 202, 203.

Trust Companies Act R.S.C. 1970, c. T-16 as amended by R.S.C. 1970 (1st Supp.), s. 47, ss. 1, 14. p. 115.

Two-Price Wheat Act S.C. 1974-75-76, c. 54. p. 257.

Unemployment Insurance Act S.C. 1970-71-72, c. 48 as amended by SI/72-6; S.C. 1974-75-76, c. 80, s. 1; 1978-79, c. 7, s. 1. pp. 19, 27.

Weather Modification Information Act S.C. 1970-71-72, c. 59. p. 82.



## REGULATIONS

This is an alphabetical index of the Regulations which appear in this book with the Act, under which they have been promulgated, appearing in brackets following the name of the Regulation. Citations are to the 1978 Consolidated Regulations of Canada (C.R.C.). Subsequent amendments, not consolidated in the C.R.C., follow each Regulation.

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Air Pollution and Smoke Control Regulations, (Railway Act) C.R.C. c. 1143. p. 356.

Air Regulations, (Aeronautics Act) C.R.C. c. 2 as amended by SOR/78-450, 473, 572, 936; SOR/79-261. p. 327.

Aircraft Journey Log Order (Aeronautics Act), C.R.C. 24. p. 327.

Aircraft Technical Log Order (Aeronautics Act), C.R.C. 30. p. 327.

Animal Disease and Protection Regulations, (Animal Disease and Protection Act) C.R.C. c. 296 as amended by SOR/68-69, 205, 297, 911, SOR/79-77. pp. 70, 74, 163, 247, 251, 271, 326, 333, 347.

Atlantic Crab Fishery Regulations, (Fisheries Act), C.R.C. c. 806, as amended by SOR/78-467, SOR/78-551. p. 121.

Atlantic Coast Herring Regulations, (Fisheries Act) C.R.C. c. 804 as amended by SOR/78-235, 467, 551. p. 120.

Atlantic Fisheries Regulations, (Fisheries Act), C.R.C. c. 807 as amended by SOR/78-491, 552. p. 122.

Atomic Energy Control Regulations, (Atomic Energy Control Act), C.R.C. c. 365 as amended by SOR/78-58. p. 364.

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